

WAR REFERENDUM

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

SEVENTY-SIXTH CONGRESS

FIRST SESSION

ON

S. J. Res. 84

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES
FOR A REFERENDUM ON WAR

MAY 10, 11, 12, 17, 18, 19, 24, AND 31, 1939

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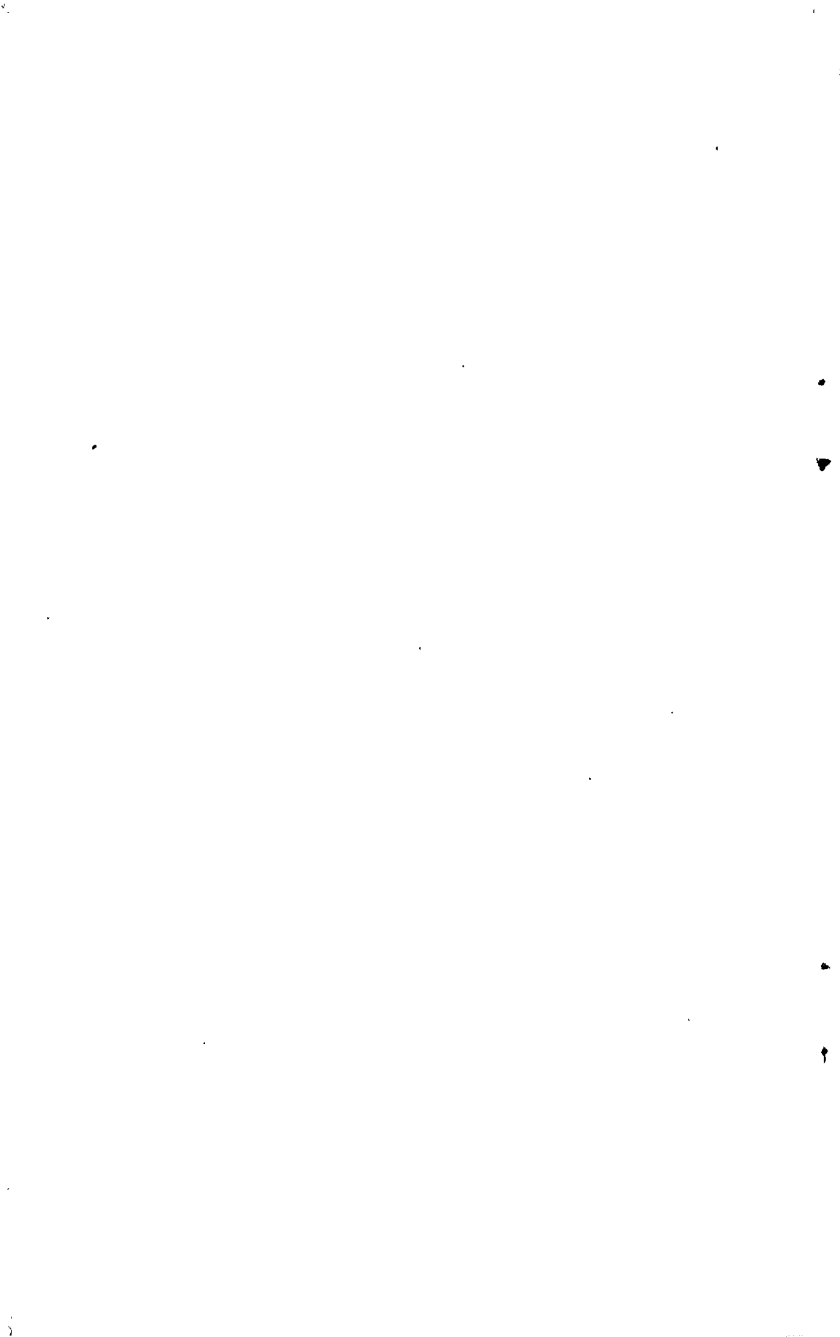
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WAR REFERENDUM

WEDNESDAY, MAY 10, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., in the committee room, Capitol.
Hon. Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman), Miller, and Wiley.

Present also: Senator William E. Borah and Senator Robert M. La Follette, Jr.

Mr. HATCH. The committee will come to order.

We have under consideration this morning Senate Joint Resolution 84, proposing an amendment to the Constitution of the United States for a referendum on war. The resolution will be incorporated into the record at this point.

(The resolution referred to is as follows:)

[S. J. RES. 84, 76th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States for a referendum on war

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

"SEC. 2. Congress shall by law provide for the enforcement of this section.

"SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution."

Senator HATCH. We have as witnesses this morning Senator La Follette and Mr. Morris Ernst, and the committee will be glad to hear them now.

Senator La Follette, are you ready to proceed?

**STATEMENT OF HON. ROBERT M. LA FOLLETTE, JR., A SENATOR
IN CONGRESS FROM THE STATE OF WISCONSIN**

Senator LA FOLLETTE. Yes.

Mr. Chairman and members of the subcommittee, at the outset, I wish to express appreciation, on behalf of myself and the other 11 Senators who join in introducing this joint resolution, for the courtesy and cooperation which we have received from the chairman of the committee and the members of the committee in arranging for hearings on this proposal.

It is not my purpose to make a lengthy statement this morning, because I prefer to give the time to these witnesses who have come here voluntarily from out of town to present their points of view with regard to this important question. However, it seemed appropriate that some brief statement should be made; and I appreciate the opportunity that you have given me to appear here and to testify.

The joint resolution proposing an amendment to the Constitution which would give the people the right to vote on the issue of waging an offensive war abroad has provoked attacks against it by people who have been misinformed, and in some instances the attacks have been sheer nonsense.

The sincere and profound desire of our people to have a vital and authoritative voice in the matter of their life and death has even been made the subject of dishonest and unfounded witicisms. Let me say at the outset that the demand by the people for the right to make the momentous decision for or against an offensive war outside of this hemisphere and not waged to defend our possessions cannot be answered by derision. This proposition is based upon faith in the democratic process. It presents the issue of permitting the voice of the people to register its will on the question of life or death for millions.

I want to emphasize that this resolution is so drawn as to leave with the Congress the right to declare war in any case where the invasion, or the threatened invasion, of this country, this hemisphere, or our possessions is involved. This means that Congress would only submit a question of war to the voters where an offensive war on foreign soil was contemplated. Therefore, I hope this subcommittee will insist upon stripping off from this proposal the absurd fears which some opponents in and out of Congress have sought to attach to it.

There is nothing in the pending proposal which will cripple any President in his conduct of our foreign policy so long as that policy is not to be implemented in the end by involving this Nation in an offensive war overseas. I do not believe that there is validity in the proposition that there are effective measures short of war, but if there are those who take an opposite view, this proposal for a referendum on foreign war will strengthen and buttress that position. In short, this joint resolution takes at their word the spokesmen for the administration's foreign policy who maintain that it does not involve any danger or risk of war. If nothing is being done or urged upon Congress which will lead to our involvement in foreign war than it cannot be logically maintained that this joint resolution cripples the administration's foreign policy in any way.

It has recently been suggested that Congress should remain in session to prevent measures leading to war from being taken. I have been a Member of the Senate for 13 years and I have great respect for the Membership of both Houses of Congress but I believe history proves that the legislative branch of our Government cannot prevent diplomatic measures from being taken which lead to war. Congress has no veto power in practical fact. Congress has only the power to write bankrupt across a foreign policy when that policy has finally culminated in a demand by the Executive that Congress vote a declaration of war. Then it writes it with cheers mixed with epithets and howls of derision against those few men who may oppose the resolution declaring a state of war.

It has been charged by opponents that this joint resolution violates our traditional form of government which they contend is purely representative in character. The same argument could have been made against woman suffrage and the direct election of United States Senators. Several States have incorporated the referendum proposal in their constitutions without impairing their traditional forms of government. The Democratic Party in convention assembled, in 1924, without a single voice of opposition so far as I have been able to ascertain, advocated that " * * * Our Government should secure a joint agreement with all nations for world disarmament and also for a referendum on war, except in case of actual or threatened attack. Those who furnish the blood and bear the burdens of war, should, whenever possible, be consulted before this supreme sacrifice is required of them."

I venture the assertion that there is not a single Member of Congress today who has received a mandate from the people to act in his capacity as a representative to put this Nation into war in Europe, Asia, or Africa. I cannot find a single member who raised that issue in his campaign unless he was on the negative side of it. We have no mandate from the people on this question, nor could it be fairly said that Members of Congress would ever be in possession of such a mandate unless a whole congressional campaign had been waged on that issue and that alone. Only then could Members of the legislative branch of our Federal Government say in any half-way accurate or honest sense that they represented the people of their respective States and Districts on the war issue. If, in the future, Congress is presented with a demand by the Executive that it vote a declaration of war—not a war of defense but a war abroad—I am certain that they will not be acting in a representative capacity for it is not conceivable to me that under any circumstances Members of Congress will be standing upon platforms pledging that if elected they will vote to plunge the United States into an offensive war on foreign soil.

Instead, if that unfortunate issue is presented, I think history will repeat itself and that rather than acting in a representative capacity Congress will be forced to approve the Executive decision and to make the best of Executive failure. I fear in the future, as in the past, that the congressional function will be to vote the declaration demanded and to follow it with conscription and the necessary funds to carry on the war. This is a function but it is a stretch of the imagination to characterize it as a representative function. No

member of Congress with whom I have discussed the subject believes that a majority of Congress would refuse a President a declaration of war, if, and when, he asked for it.

There is no instance in our history when it has been refused by the Congress. I am apprehensive that no such precedent will ever be established. The demand to stand behind the President, the pressure of party loyalty, becomes almost insuperable in such a situation. Members of Congress may justify their course in the future as they have in the past, but I do not think it can be said that they are acting in a representative capacity.

Our concern should be to establish a closer contact between the people and their Government on this vital matter of war abroad. If any opponent of this resolution can suggest some way in which the representative system can be made truly representative on this momentous issue, I, for one, would be glad to hear it advanced. But I hope that the consideration of this proposal will not be beclouded by empty phrases about a representative system which at this point of foreign war loses its representative character.

To preserve the democratic process we must buttress it and make it more effective. Nothing so discredits it as empty formalism. Let us not overlook the fact that the political disillusionment following the last war played its part in the undermining of faith in democracy in some other nations. In the chaotic economic and political situation prevailing in the world today no one can foresee future developments, but I unhesitatingly assert that another war, if it comes, will not give anyone what he wants. Modern war does not attain its announced objectives. Should war come and we become involved in it, the people of this country will be more deeply shocked and disillusioned by its results than they were after their tragic experience in the "war to end war" and "to make the world safe for democracy."

After another war has brought catastrophe at home and abroad we may anticipate in the United States an attack upon the democratic system of proportions never before experienced. This proposal, if submitted and ratified, would place the responsibility for the decision on war abroad in the hands of the people. If they voted for it, they would have to accept responsibility for the results, and thus we would protect our system of government from an effective charge, even though untrue, that a small group of public officials in the legislative and executive branches of the Government had made the decision for war and produced the chain of miseries which are certain to follow it.

I have no doubt that opponents of this joint resolution will attack it before this committee as they did in the House of Representatives, when it was under consideration at the last session, on the ground that it will affect the present situation abroad. A year ago when a different proposal for a referendum was before the House it was strongly urged in the press and elsewhere that Members should "stand by the President" in order to present a united front in the Far Eastern struggle. Some newspapers which have been most violent in their criticism of the President on domestic issues went so far as

to urge the Members of the House to stand behind him at all costs even at the sacrifice of their convictions. It was an emergency, so they said. A majority of the House took this advice. The referendum resolution was not even permitted to be taken up for consideration, but can anyone now maintain that the failure to consider that proposal checked Japan in her war in China?

The war referendum was not again taken up for consideration after January 1938, yet in March of that year there was a crisis, and Germany absorbed Austria. It certainly cannot be argued that the war-referendum proposal aided that unhappy event. Then in September 1938 came Munich. Would anyone contend that the failure to consider the war-referendum proposal had checked Germany's advance? Hitler's help came, as Senator Borah has pointed out, from England and France. Then came the partition of Czechoslovakia in March 1939, and later the Italian conquest of Albania. No consideration by Congress of the war-referendum proposal can be claimed by the wildest stretch of the imagination to have had any effect upon the situation in the Far East nor in Europe.

If this proposal should be submitted at this session of Congress it could not be ratified before the end of at least 2 years. During this lapse of time there is grave possibility that there may be a succession of crises. In short, either we wait with the urgent advocacy of this measure forever or we start sometime. I believe that we should start now, because anyone who raises the issue that this proposal will weaken or strengthen any group in Europe must do so upon the ground that we are to implement our foreign policy by active military support with an expeditionary force on foreign soil. To take this position is to challenge the good faith of every statement which has been made, so far as I know, by any responsible person speaking for the administration. In short, it cannot be claimed that this measure affects in any way the struggle for power abroad unless it is at the same time admitted that military measures on foreign soil are in contemplation.

Despite the misrepresentation, despite the powerful opposition of part of the press, and despite the opposition of the administration, every poll of public opinion has shown a large majority of the people to be in favor of this joint resolution. It is a measure to make democracy real on the supreme issue of foreign war while at the same time completely protecting the Nation, its possessions, and this hemisphere. I believe that the people have a right to pass on this proposal.

I ask your consideration for the witnesses who at their own expense have come here to testify in its behalf. I also ask that following the testimony of those who may appear in opposition that you will give an opportunity to Senators who have considered this matter to appear later.

Senator HATCH. Thank you, Senator La Follette. So far as the request just made is concerned, I am sure the members of the subcommittee will be glad to hear, within reasonable limits, those who wish to speak upon the joint resolution.

Senator LA FOLLETTE. Yes. There has been a great deal of courtesy in this matter, and we appreciate it very deeply.

Senator HATCH. The next witness on our list is Mr. Morris Ernst.

STATEMENT OF MORRIS L. ERNST, NEW YORK CITY

Mr. ERNST. Mr. Chairman and gentlemen, I am an attorney and represent no one but myself in this matter.

I think that this proposal must be approached calmly and with caution, as an amendment to the Constitution. It cannot become effective for a year or two, at least. And, therefore, it seems to me that the consideration of this fundamental addition to the Constitution can carry no implications that are directed against individuals; that is, the present Congressmen and Senators, in the main, or the Chief Executive of the United States. It is a fundamental change that has to be considered entirely divorced from personalities, or even, if you please, any immediate so-called emergency situations of any kind.

The main attack, as I see it, on the proposal is that it is a new idea and departure; that is, new in the sense of "new" known as derogatory. And as I read the statement of ex-Secretary Stimson, it is a departure from the thinking of the American people. I think it is an entirely false premise for the opposition to go upon, and it is entirely inconsistent with the position taken by the founding fathers in the debates on the Constitution of the United States. I think this proposal is a logical and deductible conclusion from the position set forth in the Federalist papers, the original acts of the Constitutional Convention of 1787.

I think it is important to explain those amendments and that approach to the problem, because, with all additions to the Constitution, there is a lethargy of the public mind which starts in with resentment for any change. I think that an examination of the 1787 records will show that a referendum on the most important points, for humanity and for organized society—that is, sending our boys abroad to be killed, if it is involuntary, violates the rights and the thinkings of the founding fathers. In 1787, there was no capacity for a referendum; and so the founding fathers had to proceed with the democratic process with respect to a declaration of war, as far as the then conditions permitted.

In the first place there was no literacy to amount to anything. The record is clear that the illiteracy figures amounted to as high as 75 per cent among the people; and records also show, in the impaneling of jurors, that the literacy was no greater than 48 per cent; a very large percentage could neither read nor write.

And then the distance and the time of travel made a referendum inconceivable. It took 2 days to travel from New York to Philadelphia, and you had to travel by boat to New Brunswick. And the fastest conveyances during the Constitutional Convention ran only 3 days a week. Pinckney and others at the Constitutional Convention declared during the debates that they could not conceivably go back home and come back to Philadelphia for the Convention, because it was too arduous a trip. To go to Virginia required 4 weeks. There were only 75 postoffices at that time; there were less than 100 newspapers; and the largest circulation of a newspaper was about 1,000. And so, against that background of illiteracy and the difficulty of communication, there was no reason to believe that

the founding fathers could even think in terms of the completion of the democratic process, to wit, allowing the people themselves to share in the decision as to whether they themselves would serve in the war.

As a matter of fact, although the Convention took tremendous strides in the direction of democracy, it was projected in the main on a society where very few people were even allowed to vote. Property qualifications up and down the coast resulted in a situation where, even on the vote on the ratification of the Constitution itself, there were approximately only 200,000 people who had a legal right to cast a vote.

The set-up of the Senate and the House is discussed by the founding fathers, and it carried with it the implication that, against the background of lack of communication and illiteracy, a distinction must be made between the Senate and the House, and the Senate, in effect, would be elected through a specially delegated authority, namely, the legislature of the States, so as to be sure that we would preserve in our governmental structure at least one chamber that is remote from the illiterate proposition, as to which there were ready means of communication, as to the proposed desires of Congress.

Now, the Articles of Confederation, which had preceded the Constitution, however, had made clear the principle which is carried in this resolution, and carried, in article VI, the definite construction of the wishes of the people that were there that there was a difference between defense in the case of an invasion and action in case of aggression.

The preamble of the Constitution of the United States emphasizes the question of the common defense; and in the Federalist papers, Nos. 25 and 28, they went so far as to use modern terms and talk of the fact that the Colonies were encircled from Maine to Georgia, and indicated that the main concern with respect to the power of declaring war was defense from invasion of enemies solely, and the concern over insurrection within the Colonies. Each State at that time had an enemy frontier. There was no such thing as discovery and isolation from enemies.

Georgia, according to the records as I read them, only came into the Union because of the fear of the enemy to the South. Virginia refused to join in the Nation until it was assured that Spain's position with respect to navigation on the Mississippi had been clarified, and the cession from Spain for 25 years of navigation had been withdrawn.

The Treaty of Peace of 1783 was held up for months because Massachusetts' main concern was the enemy to the north and the right of fishing around the Newfoundland waters.

In other words, the founding fathers, in that period, were not only faced with illiteracy and the lack of means of communication but realized that we had enemies on the threshold.

Senator HATCH. Senator Borah.

Senator BORAH. I will ask a question later.

Mr. ERNST. Against this background of 1787, it clearly indicates that the founding fathers were faced at the Convention in Philadelphia with the desire of pressing to the then extreme democratic proc-

ess, the war-making power, due to the lack of communication, enemies directly impinging on every State, and the illiteracy of the population.

We find that in the discussions in the Constitutional Convention there is a very interesting parallel to the consideration of this resolution. Obviously, the questions of war and treaties were not disassociated in the minds of the delegates at that time any more than they can be entirely disassociated now.

It was urged that the treaty-making power must be left in a very small group, which could be well informed. Madison on August 23 arose in the Convention to indicate that treaties impinge on the needed negotiations in the meeting of human minds and, therefore, have to be left to comparatively small groups. He indicated that the war-making process cannot be analogized because, in order to declare war, there was no necessity for the meeting of the minds prior to the war. And he discussed this whole distinction.

You will find that Hamilton, who was the leader of the aristocratic nondemocratic vote, and whose philosophy spurned in the main the judgment of the people who were then, to be sure, to be totally eclipsed, asked that this power to make war should not be left to the House of Representatives because the House would be too numerous, and it was then contemplated that the House would include no more than 65 persons. He argued in effect that the House would not meet often, and that in the bulk it was expensive to get the House together, and therefore the sole power for the making or declaration of war should be vested in the Senate.

That position was rejected because the delegates at the Convention insisted that this supreme function of society should be left on the broadest possible base.

The original draft discussed by the founding fathers will respect to this declaration, or power to make war, included the words "make war." That was changed to the words "declare war," on the suggestions and views of Madison, Gerry, and others. Butler, who represented the extreme of the nondemocratic forces, wanted to have the power rest solely in the President, and he was defeated. Pinckney wanted it solely in the Senate, and he was defeated.

The change from the word "make" to "declare" is a significant one. It carries the idea of distinction also implied in this resolution, that the Executive would still have the power to repel invasion and sudden attack. Ellsworth raised in the Convention the point that there is a material difference between the case of making war and making peace. It should be more easy, he said, to get out of war than to get into it. War is simply an overt declaration. Peace is attended with intricate and secret negotiations.

George Mason, the only delegate in the entire Convention who proposed that we incorporate in the Constitution the Bill of Rights, for which he received no support during the entire debate, which necessitated the separate addition of the first 10 amendments to the Constitution, argued in favor of thwarting rather than facilitating war, but of facilitating peace, and was against giving the power to the Executive because the Executive could not safely be trusted with it, or giving it to the Senate alone because it was not so constructed as to be entitled to it.

Jefferson at that time wrote to Madison—and we have already given one example of an effective check to the beginning of a war:

We have already given, in example, one effectual check to the dog of war, by transferring the power of letting him loose from the Executive to the legislative body, from those who are to spend to those who are to pay.

The reason why I differ fundamentally from the suggestion of Mr. Stimson is that this proposal is not a new thing which is a departure from the past, but it is solely in the line of the logical thinking of 1787. We find that in 1788 New York was in favor of a two-thirds vote in the legislative chamber, in order to make still more difficult the declaration of war. In 1814 Connecticut, Massachusetts, and Rhode Island endorsed the position taken by New York in 1788.

For the first 100 years at least of this experiment of ours, that philosophy of the founding fathers seems to me to have been carried forward without any variation. I find that, for example, as recently as the time of Attorney General Wickersham—published in the Attorney Generals' Opinion, volume 29, page 321—the following statement:

That the militia can be called forth to execute the laws of the country only when they are in force and can be executed and enforced.

The writings of the Attorneys General throughout the period clearly indicate, then, in my opinion, that the civil laws of the United States had originally no extraterritorial force.

It is true that there was a deviation accepted by the people of the Nation when we sent troops abroad into the "war to end wars." But Woodrow Wilson said at Topeka, Kans., in 1916:

The national authority has no right to call the National Guard for any service outside of the State, unless the territory of the Nation is actually in danger.

That philosophy was even incorporated in part, as Senator La Follette has indicated, in the platform of the Democratic Party in 1924.

Now, against this background, it seems to me obvious that the referendum concept was impossible, was not conceivable, in 1787. There were enemies at the door. The war-making process was considered only from the point of view of invasion by enemies. A referendum could not have been taken because of the expense and the lack of communication facilities. Literacy, or illiteracy, rather, made it impracticable to attempt a referendum. And the absence of the democratic voting process, which permitted such a small percentage of the people in 1787 to even hold the franchise, made a referendum less than a worth-while extension of the democratic process.

In the Constitutional Convention it was perfectly apparent that the group that won out against the Hamiltonian concept of the President elected for life, and the concentration of power—or the group that defeated that policy, in effect said, "Let us in case of war, the supreme act of the Nation, broaden the base as much as possible." And the matter was debated step by step. But we limited it to the President and we limited it to the Senate. And the principle finally went through to place the power in the broadest possible group that existed at that time.

And since 1787, and that first step toward democracy, amendments to the Constitution have always been consistent extensions and the widening of the democratic faith. The change in the election of the President, the adoption of the first 10 amendments, and the thirteenth, fourteenth, and fifteenth amendments, the woman's suffrage amendment, and the amendment for the direct election of Senators are all in the same direction as enunciated by the founding fathers; and I assume, from a reading of the Federal Papers and the debates in the Constitutional Convention, that if there had been facilities for a referendum at that time; and if the basis of voting had been broader, and if we had been in a more fortunate location—which we did not have, because we had enemies bordering on every State—it might well be that, in taking a vote on the question of war and the taking of human life, except for the preservation of the state, this resolution would have well fitted into the policy of Madison and the group that dominated the convention.

Now, may I refer to four objections that are raised to this proposal?

In the first place, I must constantly keep in my own mind that the proposal in essence is nothing but a suggestion that the Congress of the United States share the responsibility for men dying abroad in an aggressive war. It does not take away from the President of the United States any constitutional power that is vested in him. It does not eliminate the Congress of the United States, because, as I read the resolution, the people of the country cannot express their desire to go into war unless the Congress of the United States has placed the proposal before them.

Now, it is said that the time element is a weakness, that it would take time to have a referendum, and that in many people's minds seems to be a major objection.

In the first place, it is not clear that the time element takes on a different aspect if we are considering the time for a conclusion in the public mind to defend our rights, rather than to go ahead and to fight some enemy in another continent.

Now, I cannot pose in any way as an expert as to the length of time it would take to have a referendum; others will testify on that score. I know nothing about the subject.

But I find in the literature of this proposal, and others analogous to it, that high officials in the United States Navy have declared, according to printed declarations, that a referendum could be effected in 48 hours, and certainly in 72 hours. And I call to your attention that it took 4 months before we had a division of troops abroad. There were 4 days of debate of Congress before there was a declaration of war in 1917. I hazard the opinion that, on any declaration of an aggressive war in a foreign country in the future, it might well run beyond 4 days.

Senator BORAH. Who was it that confined it to 4 days?

Mr. ERNST. Admiral MacGowan, Paymaster General of the Navy.

Senator BORAH. I do not think it would be safe to take that estimate.

Mr. ERNST. I inferred to that, but I know nothing about it; but I would take the position that, even if it took several weeks, if it was for the purpose of sending troops abroad, the effect that would arise from such a delay, in my opinion, would have to be balanced off in

your minds against the affirmative advantages of the proposal, which I will discuss in a moment or two.

It is said further that a referendum will weaken us, because the popular vote might be close. That argument also cannot be brushed aside entirely; there is something to it.

But I do call to your attention that, at least in Australia, where there were votes with respect to conscription, which in part can be analogized to this kind of referendum, the conscription vote in Australia in 1915 and 1916, with the electorate numbering approximately 2,000,000—the referendum was decided by a difference of approximately only 100,000 votes. And as far as I can read the evidence in respect to that area, all of the fears that had been enunciated in advance as to a disunited people, due to the closeness of the vote, evaporated instantaneously on the announcement of the vote.

Furthermore, what if the vote in the Congress were close? That also is inconceivable. And I venture to express my opinion that a close vote in Congress, acting solely through a delegated authority, acting perchance in a time when the Senators and Members of the House were not elected on a mandate involving the declaration of a foreign war, might have a far more disastrous effect than opposition declared in a popular referendum.

And furthermore, Mr. Stimson and others indicate that we must continue to operate solely through delegated authority, and imply that there is something undemocratic, or something pernicious, is merely conceiving philosophically such direct action by the people supplementing the action of the Congress.

We submit that that is the same type of argument that was invoked at the time of the debates with respect to the direct election of United States Senators. You will recall the nature of the talks at that time, and the debate on the theory that the local legislatures were so much better informed and would be so much more intelligent, and that the legislation would be so much more deliberate, that we ought not to permit the democratic process to go down to what might now be called the *hoi polloi*, which in effect means the people who are, perhaps, to be killed, to die on a foreign battlefield.

Now, it is also said that the President would be embarrassed in his foreign relations if he should have delegated to Congress the power to act on any proposal which he would make with respect to a war.

I think that is true. I think that argument should be frankly faced.

I said at the start that, fortunately, this resolution can be approached in impersonal terms, because the article presumably would not be adopted for a couple of years.

But I am in favor of embarrassing a President of the United States, because, as I see it, he could in no way be embarrassed if his moves were in the direction of peace, because those moves would not be subjected to the criticism in the public mind that follows by a referendum. But moves which might be construed to be in the direction of a foreign war—not a war of defense, but a foreign war—would be subjected to criticism, and the foreign policy of the Nation would be embarrassed, because it would have to be defended before the people of the land, in addition to the Congress.

Senator BORAH. Suppose we had a situation such as we have in these days, when there are a great many people who actually believe that, as a matter of self-defense, we must first proceed to defend some other nation, for fear they may be destroyed?

Mr. ERNST. Well, Senator Borah, I did not want to get into legalisms.

Senator BORAH. That is not a legalism.

Mr. ERNST. No; but you have, according to the resolution itself, a possible question arising as to whether or not such a situation would in effect become a defensive war.

Senator BORAH. I simply suggested that for your consideration.

Mr. ERNST. Yes, sir.

May I just go on to another consideration? It is perfectly true—and I meant to come to that later—that there are two great forces in this world that, at one stage or another, would be desirous, perchance, to draw us into a foreign war, and would try to sell us a bill of goods on the theory that it is a defensive war—and if you do not mind I would like to take that up later, because there is no doubt in my own mind that the two groups I have referred to at this time believe in the principle of dictatorship rather than that of democracy.

It is also said that the people might make a wrong decision. That after Congress has deliberated and come to the conclusion to put the matter before the people for joint action, the people might be wrong.

I think we can say in all frankness that the people might be wrong. I know of no process in the democratic mind whereby anybody can assure us of a right decision. But I can assure you that the odds are not greater or less if the people act on the proposal.

Mr. MILLER. There is also in the resolution the theory that Congress might be wrong.

Mr. ERNST. Congress could submit a referendum, and I take it that the submission of the referendum by Congress would follow deliberation and consideration; and therefore there is no means of insuring the conclusion of a wise provision of the smaller group; but there is merely a supplementation, which seems to me to be of great advantage to those unfortunate Members of Congress who at that time will have to wake up the morning after they have declared that our men go abroad and fight.

But whether or not the people will guess wrong or not in supplementation of the congressional attitude, I think we can agree that historians are unanimous in telling us what were the principal causes for our ever entering into wars.

If you take a historian like Rhodes, you find a great deal of material indicating that if Mark Hanna had by any chance been President of the United States instead of McKinley, we would not have gone into the Spanish-American War. It is clear now, and it might have come out in the debates before the people, that the American Ambassador to Spain informed the Executive of the Nation at that time that the Queen of Spain had indicated concessions to every demand except two or three, and those two or three she was willing to leave to arbitration.

Senator BORAH. How much did the people have to do with respect to that war?

Mr. ERNST. I think the public's propulsion was great with respect to that war, and as I look at the record, Congress was acting on its

best guess as to what the people then wanted, and the people, by and large, with the lack of information they had, agreed with the vote of the Congress.

The point I make, however, is that, in connection with the debates in the public forum of the resolution, it would be put up to the people by the Congress, and we would have, in the first place, what is a real influence, a psychological throttling on the Executive's moves in the recommendation to go to war, and we would have also a throttling to some extent on the action of Congress; and we would have at least some additional chance of matters being smoked out in public at all which are difficult to discuss, and which are not fully discussed when the debate is solely in Congress.

The pressures have changed. For instance, it is now clear to me that one of the secret impulses for the last war impinged upon the fear that we would not recover the money we had invested back of the Allies. That was one of the impulses, and, as a matter of fact, we never did recover the money, anyway.

But at least we are running the chance—I do not say we are certain—but if there is a chance that those situations can be fully explored, or more fully explored—we are at least going in the line of the democratic process. We are trusting the will of the people before they go abroad to fight.

I imagine it would be a great relief to the Congress of the United States, to the members of the House and the Senate, to have this provision added to the Constitution of the United States. As I say, it takes away to no extent any constitutional power now vested in the President. It does not in any way cut down congressional power, so far as I can find, with respect to voting for bigger armies, for big navies, or more planes, or more defensive equipment.

Senator MILLER. It takes away responsibility?

Mr. ERNEST. It does not do that either. It provides machinery for sharing it.

Now, I must translate myself into the position of a person who at some time may be called upon to vote to send men abroad at once under our present procedure. The members of Congress, as I see it, would explore to the best of their ability, what was in the minds of the people, and what the people wanted them to do as to engaging in a foreign war and sending troops abroad, to Asia or to Europe.

How do they do it? They do it, not on the theory of delegated power, where, as Mr. Stimson argues, each Congressman tries to sense the opinion of the people in his district, and each Senator that of the people in his State. When it comes to that situation, every Member of Congress endeavors to sense the will of the people. How do you do it? You do it through a scientific process. You read the results of polls. You have no method of exploring the economic impulses back of the vote shown by the poll. You look at the headlines in the papers; you have some petitions. People like myself, and others speak only for themselves, and those who may attend the hearings—all of that is less than Congress ought to have to determine on the will of the people in the only real important measure, in relation to foreign affairs.

This program avoids, as I see it, concentration of responsibility; because the Congress must still act, insofar as it puts up to the people

the question, and if perchance you do not want it put up, as I read the resolution, the people will not act.

Senator BORAH. Mr. Witness, do you lay much stress upon the fact that there is any consideration by Congress of the mere fact that they put the resolution up to the people?

Mr. ERNST. I do, sir, for this reason: I doubt whether, before a resolution is put up to the people as to whether or not we shall send troops abroad—and that is the essence of what it is—whether Congress will act in regard to having explored rather fully the will of the people. I think there will not be any likelihood under this resolution of putting up casually the question of whether we will send our troops abroad. I think there will be the same reluctance after as before a referendum to send people abroad to fight. I think it will be treated with greater concern than the vote on whether or not the referendum be called for the amendment to the Constitution of the United States.

In other words, if I may make that parallel a little clearer, I think it can now be argued to the Congress of the United States that those Senators and Congressmen who themselves may go out in the field and argue against the adoption of this amendment to the Constitution, might, nevertheless, vote to have it put up to the people on the theory that they would not want to assume the responsibility themselves—denying the people the right to vote on the amendment to the Constitution.

Now, if I am at all clear on that position, it seems to me humanly logical that the Congress of the United States would not likely, if the Constitution should be amended as proposed by this resolution, put up to the people whether we should go to war.

Senator MILLER. I do not think I follow you concerning the responsibility. Might it not be a means of Congress absolutely evading responsibility?

Mr. ERNST. I think this is true: I think it raises the possibility—to use the vernacular—of Congress “passing the buck.”

Senator MILLER. That is exactly what I am talking about.

Mr. ERNST. Yes; but I have a greater faith in the two factors that impinge on that theory. I have a greater faith in the Congress. In the first place, a Member of Congress presumably, before a referendum were put to the people, would have to stand up in the Congress of the United States, I assume, or somewhere in the field of debate when the matter came up in his district, and be counted one way or the other. I cannot conceive that the Congress would protect itself rather by the method which is described by the philosophy of “passing the buck”; because I do not think it is in the tradition of the Congress of the United States, and I think there would be enough that would stand up and declare themselves in Congress. But No. 2 seems to be unanswerable. The Congress would not be permitted to pass the buck in such a situation because, after the question were put up to the people, they would be brought to the point where they would have to say whether they would be for sending the troops abroad or against it.

The question really is, Are we willing to demonstrate our faith in democracy? Some people do not trust democracy. This created an additional check or throttle on the seat of direction from the President on the threat of war or the question of peace, and it also places on

the Members of Congress a situation that places them in a position that they should welcome.

If, perchance, we are called upon in this mad world, the Members of Congress must stand up one by one, and cannot be permitted to hide behind evasion, but must say whether or not they are in favor of sending men abroad. And no Member of Congress, I daresay, will sleep comfortably the next morning, no matter how he votes.

Senator BORAH. I am not able to follow that, and I think it is a very vital question. It seems to me that this constitutional amendment is stronger and entitled to greater support if we look at it in the light of having taken away from the Congress the power to declare whether we shall go abroad or not. If the matter comes up and the question arises, and the question is, "Who is going to determine?" Assuming that—I am speaking as a Senator—I am bound to say that there is nobody who can determine it except the people.

Mr. ERNST. Well, I grant the force of your position; but is this not also true that we, the people, have the right to do more than have you transfer the entire power to the people? We have the right to ask, in addition, that the Congress of the United States, that is well informed, that has followed the general trend of the situation with more care and attention and time than the people have—that in effect, by putting the matter up to the people, you are giving us the best of your deliberations, in the very nature of the referendum?

Senator BORAH. That is true when it goes to the people and when they vote. But we may want to discuss it. We may want to become a part of the general direction of whether they should do this. The question of whether or not it should be submitted to the people is not left in the alternative.

Mr. ERNST. No, sir.

Senator BORAH. It must go there. And whether or not I am speaking in the Senate, I have nothing to do with it. I recognize that there is formality there, but it is a formality. But we have taken away from Congress any decisive power, in fact any controlling power, and said that this entire power should now revert to the people. I think that is the strength of the resolution.

Mr. ERNST. I do not want to detract from any argument that gives the resolution strength.

Senator BORAH. I do not say how I will vote on the resolution, but I merely wanted to give expression to that thought.

Mr. ERNST. I think this is true, that if we proceed with the extension of democracy, so that the people have a vote, whether or not Congress votes to refer the question, the vote of Congress will no longer be considered as a mere formality. And whether we call it as you do, or as I do, it seems to me that it makes no difference, because it seems to me that the mere reference by Congress to the people will in some degree be a guide to the people themselves.

Senator BORAH. Well, it has to get to the people in some way, and that is the only way to do it. But when you say, "Except in case of attack by armed forces, actual or threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people of the

United States shall have the sole power by a national referendum to declare war or to engage in war overseas," they have the sole power; we have not anything to do with it at all.

Mr. ERNST. I think in the reading of it it says that; but I would be less than frank if I did not indicate that, in my opinion, the direct action of the people—

Senator HATCH (interposing). Senator Wiley is a member of the committee, but not of the subcommittee; he desires to ask you a question at this point, Mr. Witness.

Senator WILEY. You have probably already indicated it, but it seems to me that the phrase "to engage in warfare overseas" is subject to interpretation. Do you mean only to send boys overseas?

Mr. ERNST. Frankly, I am not competent to discuss that question. It seems to me that people who are better informed should discuss that question. But it did occur to me that we should consider that before we engage in any cooperative boycott.

Senator WILEY. Yes.

Mr. ERNST. But I am unable to give any testimony of value to the Senator on that point.

Senator WILEY. Does it mean that it would amount to practically embargoing anything we might have in this country?

Mr. ERNST. I should think not at all. I should think there would be no restrictions, and, as I said before, I think there would be no impairment of the power to send arms.

Senator WILEY. But we have had a great deal of discussion in Congress as to what the policy of Congress should be. We engage in war directly, do we not, if we sell ammunition to competing nations?

Mr. ERNST. I should think so, philosophically; but my own opinion—and it is not worth much to you—is that legislation along that line would not run into conflict with a thing of that kind.

Senator WILEY. That is what I want to get at.

Mr. ERNST. That is my opinion.

Now we come to what seems to me to be the most important consideration of all with respect to the referendum. I am speaking only for myself, but I earnestly believe that any commitment on the part of the United States for a war in Europe or Asia or Africa other than a war of defense is more than a commitment of war. I am persuaded that it is a commitment of our form of government.

And on that I think we can very well afford to put throttles and checks. In my opinion, if we go abroad in a war, that, of course, will tighten up the processes of democracy away beyond what we did in 1917. The impairments of rights under the Bill of Rights, which I happen to be peculiarly concerned with, meant nothing in 1917. There were concentrations of authority; and concentration camps, commandeering of capital, commandeering of labor will go to limits not conceived of yet in 150 years of this country's history. We will be engaged in a war which will require concentration of labor, and this will require concentration of authority to such a degree that the authority, no matter what it might be, will not be able to brook criticism. And when you have a concentration of authority and power during a war, or at any other time, to a place where we go to war other than war of defense, the people that hold the authority that is concentrated will be fearful of any interference with concentration, because they will be running the show themselves—which is

too big a proposition for human beings. And when a nation is beginning to have its concentrated authority acting in such a manner that we cannot, as human beings, control it, they will not allow adverse comment. And then we will find that there is no more free speech or free press, and this quaint American expression, and being allowed to stand on street corners and say, "I do not like my President and I do not like my Congressman," will be abandoned.

Now, there are two forces in the world that no longer believe in the Bill of Rights, no matter what they say in print. I refer to the Fascists and the Communists. And to that extent, at least, they can be treated as one. And those forces are acting in a subterranean, underground fashion, and there is an effort going on in the world for the abandonment of the democratic process and the free America in thought.

I submit that it is difficult for me to feel that any human being can believe that, if we go abroad and do it on a nondefensive war, we will not have committed ourselves to the abandonment of our great experiment of democracy, which is the sole contribution of the United States to the history of the government of the world. It will be said, of course, that we are abandoning the Bill of Rights and the principles of freedom only temporarily. But as against these two world forces that would drive out free thought and a free press, it would appear to me inconceivable that this Nation could ever get back on its main track.

Senator BORAH. Well, have the principles of the Bill of Rights ever gotten back thoroughly and completely after a war?

Mr. ERNST. They have not, sir. But I think this is to be said for the United States: That we have, by and large, in our history, proceeded along in the direction of the Bill of Rights. It has always seemed to me that the pardon of Tom Mooney, for example, was a great compliment to the democratic process; because in Moscow, Rome, or Berlin they would not have been alive today.

And we are waging a constant campaign for the extension of the Bill of Rights. I do not believe we will ever get to the time when the Bill of Rights will be a self-enacting clause. I do not think it is within the capacity of human nature that it should be so. I think it is valuable to human beings that we should have to fight for those rights.

The only point that I am making here today is that because I am afraid of the doctrine of the Communists and of the Fascists that belittle the democratic process; and that we cannot accomplish anything by throwing out those rulers that we do not want. And I venture to say that a commitment to the war abroad is an abandonment of the democratic idea.

I have this further observation, on which I have no testimony of great value to offer: That in connection with wars abroad, I have always used the following argument: A client comes into a lawyer's office with a complicated case, involving something other than the transfer of dollars or something similar, and the first thing that the lawyer thinks of in his own mind and puts on paper is what we call the "prayer for relief." That is jumping to the assumption of victory and going to the point of what they will get. From my point of view, it seems to me that we are brought to the point where we come to think of it in terms that we have won the war, writing our prayers

for relief, when there is not any way of seeing that the war would result in victory or defeat.

I do not want to talk in terms of today, because just the President of the United States, or Congress, are not involved in this resolution; because it will take time to enact it; so also I think we make a mistake if we consider it in terms of the immediate effect in Europe. If we go abroad, it will be because of a philosophy gaining way which is contrary to democracy. And if we defeat a dictator—because I cannot assume that the headway made by the dictator will continue indefinitely—we might be going abroad to fight a nation which is in line with the democratic process.

What happens? I take it that we can either let it continue, and wait until it happens again, or we can put in somebody to run it; and then we are putting in an outside dictator rather than a domestic one. And in every petition that I have seen in support of a prayer for relief there is something set up to support the prayer; and for us, who are the most fortunate piece of land in the world, isolated geographically, to go to war, we would lose even if we won; for not only over there but over here we would change the form of government. If we are to go to war, the human beings that are to die should have the right to vote whether they will live or die. Those may be sentimental reasons, but because I believe we are the one spot in the world that can carry on to the future the idea that the development of the world depends upon the development of the human mind, and that the human mind determines the difference between wealth and bankruptcy, and the working of the human mind can be perpetuated only in a free discussion, which can take place only in a free country—I believe that for us to engage in a foreign war, sending men overseas, would indicate that we were not only sending men to be killed abroad but we were killing the democratic idea.

It is the supreme evidence, it seems to me, of the democratic ideal that this resolution should be permitted to go to the American people. It will then go as a symbol to the people in the dictator lands that we have saved democracy. It may have an overwhelming influence over the people, even in the dictatorship lands, because, say what you will of how they follow the dictator, they might not be willing to be shot down without having a chance of determining for themselves.

And here, with this kind of resolution, even having it go to the people would be a demonstration in the dictator lands that there is a spot in the world where the people have the right to say something about it before they die.

And so far as South America is concerned, there is an additional advantage, because of the separation of the Western Hemisphere from the Eastern, we are binding ourselves to a different treatment, and in fact saying that they are to be treated economically, emotionally, and technically on a different basis. And that may have much possible effect on the attackers of Europe and Asia, and also on the people of South America themselves.

The question is, Do you want to trust this question to the people? Or, in other terms, Do you want to share it? In any event, is it not entirely consistent with the position in the debates referred to in the Constitutional Convention and in the panorama of our historical experiment, that, whatever the Senators or Members of the House have

decided as to how they may vote when this resolution comes before the people, in any event they ought not to close the American people from deciding whether they wish to fight? So we propose this resolution as an amendment to the Constitution of the United States.

Senator HATCH. Thank you, Mr. Ernst.

Have you any questions, Senator Borah?

Senator BORAH. I did want to ask one question. I notice coming into this discussion the question of giving encouragement to the democracies abroad and discouragement to the totalitarian states. So far as I am concerned, I would like to have it recorded thoroughly that I do not make that distinction. The 300,000,000 Indians in India would get the same effect from our action as the totalitarian states. We cannot make that distinction, because there is not any such distinction. There are no democracies in Europe. They do not recognize the principles that we recognize; they do not build upon the principles that we recognize. They have not the same conception of government that we have in this country at all.

Mr. ERNST. May I say, Senator Borah, that I agree with you; and I think you will find that I rather carefully chose my words; because I indicated a distinction between the democracies of Europe—because I do not recall using the phrase, because I am in agreement with you; but I took in such aggressor nations of Europe, which are in the main the dictatorship nations, because even those without a pronounced dictatorship are, perhaps, interested in becoming aggressive.

I do want to put in a reservation which I failed to put in—that there is an extreme effort in the Scandinavian countries in favor of democracy.

Senator HATCH. We will now hear Mrs. Lane.

STATEMENT OF MRS. ROSE WILDER LANE

Mrs. LANE. Mr. Chairman and gentlemen, I represent only myself.

Senator HATCH. Just go ahead and make your statement as you choose.

Mrs. LANE. I would like to say immediately that I do not seek the passage of this amendment as a pacifist, but at least I am a woman having sons. I am not a pacifist. I am a revolutionist, and I advocate this amendment as a measure which seems to me essential for the preservation of the principles of the American Revolution.

We Americans inherit a revolution; and I assume that I do not speak for a Communist, or any member of the Communist Party, and therefore I am speaking to American revolutionists.

And we do have deviations of opinion as to methods; but I think in principle we are united; and I would like to speak for a bit on this amendment, in regard to the fundamental principle upon which I think, as I said, we are united:

We hold these truths to be self-evident: That we are all created equal as human beings in the sight of God; that there are no doubt inalienable rights, among which are life, liberty, and the pursuit of happiness; that government derives its just powers from the consent of the governed; and we stand for individual liberty and human rights.

Now, considering our position as human revolutionists because it seems to me that in any meeting of this kind there is simply a continuation of the revolutionary meeting.

This country is not doing as the dictatorships do, treating this country as a finished whole. At the very beginning of the Revolution was the idea of the beginning of progress.

The belief which became current early in the eighteenth century, that Providence was very important to our country has continued. One hundred fifty years ago this revolution began. And it took 40 years to secure its bare existence; and then in 40 years the second war against England, to secure the very existence of this revolution.

So that Americans have retained it. That is only a little over a century, as against a waiting time of 60 centuries when they did not have that idea. In that long time no man had been free.

We stand for individual liberty. The word used now for that concept is "democracy." We stand for individual liberty and human rights. We are the only people who ever stood for those.

It is a very young revolution. It is a new attempt to establish a new society, a free society, a constantly changing society, of free individuals. Our revolutionary principle, as I said, is individual liberty and human rights, the rights of human beings. Our revolutionary aim is to establish a government, a self-governing society of these free individuals.

Our necessity as revolutionists is to maintain and constantly re-create and constantly work toward the perfection of such a society in a constantly changing world.

Our primary revolutionary method is the division, the limitation of government; because the individual is free; that is to say, an individual is self-governing, and only to the extent that he is not governed by anybody else.

This revolution, which has continued, as I say, only a century against all previous history, so that it is a new thing—this revolution has not yet touched Europe or Asia or South America. Through the nineteenth century, it made several efforts against the old powerful states in Europe; and it welcomed in this country the refugees from those countries, because on the continent of Europe it has never had a victory; and in Great Britain it has never dislodged the reigning aristocracy, or the conditions of the British monarchy.

I want to make that distinction, because when Lincoln said that government by the people and for the people shall not perish from the earth, he was stating the very obvious fact today; because this country is the only country which has that concept of individual freedom and individual self-government today; and if we allow it to perish from this country it has perished from the earth.

Now, I advocate this amendment because it seems to me to be the same, as Mr. Ernst said, our method, our revolutionary method.

It is a veto power given to the people of fighting an aggressive foreign war. It does not, in my view, give the people any more power, in the sense of governing power. The veto power is not governing power. This is another check upon government, in line with the fundamental American method, to establish checks on government, to divide government.

This is the only Government in which the power itself, the governing power, is divided into three parts, in trust to three separate bodies, so that that power so divided constitutes a series of balances and checks.

We need more checks. We should continue the process of checking and balancing governing power. In my opinion, this amendment does that. I think that it is really an extension of the Bill of Rights.

It seems to me that the idea that the people, the individual American, should have some voice in the question of his going to war or not going to war, is implicit in article II of the Bill of Rights. Now, in the Bill of Rights is provision for the protection of the individual against the Government. That is, every article of the Bill of Rights deprives this Government of a power then existing in all the nations of the world, and still existing in most of them. The whole Bill of Rights is a command, "Thou shalt not," for the purpose of protecting the freedom of the individual. Article 2 reads:

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be invaded.

That article was written into our fundamental law at a time when the possession of arms by the individual protected him against the return of tyranny in his own government. The word "militia" means a free corps of volunteer fighters. This was written at a time when the individual militiaman habitually refused to obey orders if he did not like them. When the order was sent out to the militia, the matter of obeying was the matter of individual will. It happened again and again, in the heat of battle, that the militia refused to pursue a retreating army beyond their own boundaries.

If the purpose, even unconscious—I am not acquainted with the details of the debates; but I am sure that implicit in that article it was meant that the attitude of the American people toward a war would be voluntary. It was written at a time when the American was the only uninstructed common soldier. It was written by a force that, for 3 months, were going home to tend crops, a force that had resisted professional soldiers for 4 years. And it can disrupt the military plan.

Certainly, article 2 of the Bill of Rights—I think there can be no question that it does establish the American's right to bear arms as a right, a certain right exercised by an individual, and that that is the absolute antithesis of a compulsion to which he must submit.

It is said that the American people do not need the veto power because the power to declare war, and therefore, the declaration of war, already rests in the hands of the elected representatives of the people.

In my opinion, they doubt, and justifiably doubt, that that power does actually reside in the hands of the Congress.

I remember, and I imagine that many of you here remember even more clearly than I do, in February 1916, that this Congress was actively and vigorously struggling against executive acts which tended to involve this country in European war.

In February 1916, while this was going on, a personal emissary of the President made an agreement with a foreign government which, on March 6, the President signed, a secret agreement unknown to Congress, and entirely unsuspected by the American people,

that permitted this country to enter the war, if necessary to assure victory for the Allies.

In November 1916, the American people reelected that President, in the belief that he had kept us out of war. In April we were in the war. The Bill of Rights was suspended. Four million Americans were taken out of normal life. Normal agriculture and industry were destroyed. Seventy-five billions of American money were spent in the way of the foreign debt. There is nothing to show that the American people knew anything about this.

Now, there is a large body of American people that would like to see any repetition of that made impossible.

Senator HATCH. Your statement is that Congress does not reflect the will of the people?

Mrs. LANE. No.

Senator HATCH. I was trying to get at that. Congress really reflects the attitude of the President: Is that your feeling?

Mrs. LANE. My feeling is that Congress—I do not know what happened. The American people did not know what happened. The power of the Executive grows to an extent that is alarming, and how it is exerted, I do not know. The people do not know, at the time; the balance is so far that it is a May-pole instead of a balance.

I cannot believe that Congress in 1917, without pressure and emotional pressure, perhaps—that in its sane mind Congress would have declared war in 1917. Look at the pressures—

Senator BORAH. Are you sure the people will follow the President or follow Congress?

Mrs. LANE. That is the question. I do not know. Of course, freedom is a responsibility, and that is the thing we must consider; as revolutionists we have been too fortunate, perhaps, in having too great success. Our country has been so very happy; our people have been so very rich, that they have lost the feeling of responsibility that they should have. I think if this were brought home to the individual people as a responsibility to each American, not to borrow, but to do his own thinking in deciding—

Senator BORAH. I think one of the elements of strength in the resolution is that the people may do quite differently from what Congress does: They might do secretly quite differently from what they have talked openly. [Laughter.]

Mrs. LANE. I think they would at least feel a grave responsibility, every one of them.

I am not saying this as taking power away from Congress, because there surely would be debate in Congress before such a resolution is submitted to the people.

And while it may be suggested that some individuals have had a low opinion of Congress, I know that I have never had such a low opinion of Congress as to think that it would "pass the buck"; and I can only say that if there is any possibility of that kind, if its attitude is to shut off its responsibility to the American people, then certainly Congress is too irresponsible to decide a question of war. And I do not want to leave to any body of men who are capable of evading the great responsibility of acting as protectors and defenders of the greatest freedom in earth—I do not want to leave to

them the question involved in this matter of engaging in an aggressive foreign war.

I do not think that Congress is that type of body. I agree with Mr. Ernst very strongly. I am confident that, if this country does engage in an aggressive foreign war, government by the people for the people will perish, if it occurs at any time soon.

We have succeeded too well. You see, this revolution in a century has created the United States of America. We are too happy, and we are too rich—our wealth is distributed so far; I do not say that they are on an ideal standard; a little more of bad times would have convinced up that there is a revolution.

Senator BORAH. Would it not have been better to call it "Americanism"?

Mrs. LANE. I prefer to call it a revolution, because it stands in opposition to everything else in the world; it is a new thing.

Senator BORAH. In that respect it is Americanism.

Mrs. LANE. In that respect it is Americanism, yes; but I think of it as a revolution; and it must stand, if not against the rest of the world, against counter revolution existing in this country.

Senator BORAH. That is still Americanism.

Mrs. LANE. I yield to you, Senator Borah.

Senator BORAH. Yes; it is Americanism. It has a significance that we do not give to it and that we do not want to give to it when we say it is a revolution. When we say it is the American doctrine, we are advocating the old, true Americanism that originated 163 years ago, and we know what it means, and the people of the country know; and they might be a little misled by the use of the word "revolution."

Senator WILEY. That is what they had in Germany, a revolution.

Mrs. LANE. I prefer to call it a revolution.

Senator BORAH. That is too long a word. If we get Americanism, that is enough, is it not? [Laughter.]

Mrs. LANE. And I think this amendment contributes to it, because I think it protects the liberty of the people; and because a man cannot be put into his uniform against his will.

Senator BORAH. We certainly have no business over there, so far as Americanism is concerned.

Senator HATCH. Are you through, Mrs. Lane?

Mrs. LANE. Yes.

Senator HATCH. Are there any further questions?

Those are the only witnesses scheduled for this morning. Unless you have something further, Senator La Follette?

Senator LA FOLLETTE. No, thank you, Senator Hatch.

Senator MILLER. Do you agree with that conclusion, Senator?

Senator BORAH. I was surprised that he arrived at such an intelligent conclusion.

Senator HATCH. The committee will meet tomorrow morning at 10 o'clock. The witnesses have been notified to be here; several witnesses are scheduled to appear, and we will stand adjourned until tomorrow morning at 10 o'clock.

(Whereupon, at 11:45 a. m., the committee adjourned until Thursday, May 11, 1939, at 10 a. m.)

WAR REFERENDUM

THURSDAY, MAY 11, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10 a. m., in the committee room, Capitol, Senator Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman) and Borah.

Present also: Senator Wiley of Wisconsin.

STATEMENT OF CHARLES C. TANSILL, FORDHAM UNIVERSITY, NEW YORK

Senator HATCH. Please state your name and occupation.

Mr. TANSILL. Charles C. Tansill, professor of history, Fordham University, New York.

Senator HATCH. You were at one time connected with American University, were you not?

Mr. TANSILL. I was acting dean of the graduate school.

Senator HATCH. You may proceed in your own way.

Mr. TANSILL. For many months a strong barrage of criticism has been directed against the Ludlow resolution. This attack has not been confined to Democrats who sharply oppose any diminution of Presidential powers. Prominent Republicans have joined forces with deserving Democrats in a common assault upon the proposed amendment of Mr. Ludlow. Indeed, from the pen of Mr. Henry L. Stimson, a stalwart Republican, has come the most vehement indictment of the proposal to refer all questions of offensive warfare to a Nation-wide vote of the people of the United States.

First of all, Mr. Stimson sounds a solemn warning that the adoption of the Ludlow resolution would "revolutionize our historic and constitutional treatment of the most important function of our foreign relations." Under our Constitution the war-making power is specifically conferred upon Congress. To shift this power directly to the American people would mean a change from the system of representative government to one of pure democracy. This version of democracy in action is a deeply disturbing one to Mr. Stimson. It is one that was far outside the ken of our founding fathers, and he prefers to look backward rather than forward. The experience of many of our States in this matter of referring important issues directly to the voters has made little impression upon Mr. Stimson. To expand a referendum so that it covers a great Nation of 130,000,000 people is a task that

stagger his imagination. He is certain that there is no warrant for it in all history, and to his legal mind this lack of precedent is of decisive importance. There is no doubt that a national plebiscite can be quickly and effectively taken. The damning feature about such a proposed measure is largely the fact of its novelty.

In order to pass a glib doom upon this idea of a national plebiscite on the question of an offensive war, Mr. Stimson asks a pertinent question. When a person is faced with the possibility of a serious operation does he hold a popular referendum among his friends and "count noses on the subject?" Of course not. Anyone who is really concerned about his own fate leaves the question of an operation to the most "expert surgeon" he can find, trusting in the abundant experience and proved fidelity of this surgeon.

This illustration of Mr. Stimson is a little inept. If the person who faces the possibility of a serious operation were limited by a hospitalization plan to a certain hospital and to a surgeon whose ability in diagnosis was somewhat suspect, would he not be wise in consulting a large number of other surgeons before submitting himself to the knife? In Mr. Stimson's story the surgeon in the case is the President of the United States. We cannot choose another surgeon no matter how deeply our suspicions of him are aroused. Would it not be expedient, therefore, for the American people to call in a wide variety of consultants before permitting the President and his congressional staff to go through with a dubious operation?

It is quite likely that Mr. Stimson would quickly reply that the President of the United States is a specialist in foreign affairs, and to a lesser extent so are the Members of Congress. But what of the people? According to Prof. Edwin Borchard, in a speech in Constitution Hall, Washington, D. C., February 7, 1938, the main hope for the maintenance of our present form of government is a more intimate association of the people of this country with the modes of control in the matter of foreign relations. Perhaps we have gone too far in this matter of specialists. It may be well true that our greatest need at the present time is a big dose of popular common sense.

To Mr. Stimson it is plain that "international war is merely the final act of long-drawn-out national policy, the product of many prior decisions and the weighing of many divergent considerations." With these "basic considerations" the American public is "necessarily unacquainted." After this drum fire of involved sentences, Mr. Stimson passes on to the statement that in the past "this system of responsible representative government" in the decision of peace and war has worked very well. * * * Our Presidents have been conspicuously reluctant to recommend war until supported and, indeed, urged by their people."

Such a statement is so ridiculous that it hardly requires rebuttal. President Madison recommended war with England in 1812 in the face of the most bitter opposition on the part of the people of New England who even went so far as openly to plot secession from the Union. In 1846 President Polk deliberately brought on war with Mexico by placing American troops in a strip of territory the title to which had long been a matter of dispute between Mexico and the United States.

In the Mexican War, as in the War of 1812, there were large areas in the United States in which the war policy of the President was strongly opposed, and certain members of the Whig Party, like Abraham Lincoln, never grew tired of denouncing the Polk administration for the alleged crime of waging an "unconstitutional war."

In 1917 when America went to war with the Central Powers there is some doubt whether the popular enthusiasm for hostilities was as deep and as widespread as Mr. Stimson thinks. In two letters to Joseph H. Choate, April 25 and April 28, 1917, Mr. James M. Beck remarks: "I have traveled much since his message (the President's war message of April 2, 1917) * * * and everywhere I have found great apathy among the American people. They have not risen to his inspiring war message."

One of the most fundamental objections that Mr. Stimson raises against the Ludlow resolution is the charge that it would "place certain hard and fast limitations upon the power of our representatives to take warlike action. * * * Its supporters seek to draw a line at the geographical boundaries of our territory and to prescribe that our defense shall not begin until an enemy reaches that line." In this case, remarks Mr. Stimson, we abandon our first line of defense which in the past has always been a diplomatic one. In support of his argument he makes reference to several diplomatic incidents which he believes give ample illustration of the procedure by which American Presidents have kept European nations from successfully intervening in the New World. His selection of incidents is a little unfortunate.

The first is the classic one involving the promulgation of the Monroe Doctrine. Mr. Stimson still cherishes the old delusion that President Monroe's famous message to Congress, December 2, 1823, immediately gave pause to the plans of embattled Europe to invade Latin America. More than a decade ago, Prof. Dexter Perkins clearly showed that in 1823 the leading European powers had no designs upon the New World, and he produces evidence to indicate that President Monroe's message to Congress carried little weight in European circles.

Mr. Stimson has kept faith in the old formula that President Johnson's (really Secretary Seward's) strong stand in the matter of French imperialistic plot in Mexico caused Louis Napoleon to remove his troops from that country. Some 35 years ago, Professor Duniway pointed out that the removal of the French troops from Mexico was the result of several factors which seem unknown to Mr. Stimson.

It is not surprising that Mr. Stimson retains a belief in the old legend that some time in 1902-03 President Theodore Roosevelt sent an ultimatum to Germany with reference to alleged aggressive designs in Venezuela. President Roosevelt himself helped to create the patriotic myth of German ruthlessness recoiling before the threat of an American "big stick," but his stirring narrative of the Venezuelan incident has now been relegated by most historians to the realm of romance.

These diplomatic incidents, as incorrectly viewed by Mr. Stimson, demonstrate the power of the President to issue warnings to Euro-

pean powers to put on their best manners when looking toward the Western Hemisphere. It is also Mr. Stimson's firm conviction that the adoption of the Ludlow resolution would put an end to this presidential power and give "notice to all the world that this people would not fight until long after such outer defenses had been broken through."

This line of reasoning is a little difficult to follow. The Ludlow resolution, strictly speaking, has nothing to do with diplomatic incidents that fall short of war. There is no reason why Presidents in the future would not take steps to defend American rights in distant seas without serious fears of encroaching upon the war-making powers. It is to be hoped, of course, that the Ludlow amendment would restrain certain Presidents whose rash policies might make war almost inevitable. In this regard students of American foreign policy keep constantly in mind the maneuver of President Polk in forcing war upon Mexico, and they do not lose sight of President Theodore Roosevelt's warlike gesture in warning both France and Germany not to intervene in the Russo-Japanese War. In case they did, he boldly declared that he would "promptly side with Japan and proceed to whatever length was necessary on her behalf." An additional illustration of Presidential policies that make for war in the interesting one of the House-Grey agreement of February 22, 1916, under the terms of which America was secretly pledged to go to the aid of the Allies in the event that the Central Powers refused to agree to a peace conference which would be certain to impose humiliating peace terms upon them. It is very likely that the Ludlow resolution would be a step in the direction of a larger measure of democratic control over the formulation of American foreign policy, and for that reason it is highly to be commended.

Mr. Stimson elaborates upon the idea that the Ludlow resolution would seriously impair the efficiency of the American Navy and make it difficult for our warships to keep "all enemies at a safe distance from our shores." He then conjures up a terrifying vision of a sudden enemy attack upon the American coast and the safe landing of a hundred thousand enemy troops upon American soil because of the paralyzing effect of the Ludlow resolution upon the American Navy. There is no specific mention of an attack from Mars, but one feels certain that the ratification of the Ludlow amendment would, in the eyes of Mr. Stimson, be followed by aggressive measures from that distant planet.

As one passes from these startling statements of Mr. Stimson to the calm reasoning of a military man like Maj. George F. Eliot, whose book, *The Ramparts We Watch*, is already a classic, we find no room for the alarm that forms the sentences of our former Secretary of State. It is the belief of Major Eliot that it is not very probable that—

any serious injury could be done us in either ocean, by way of attacks on our coast or outlying possessions, or by an attempt to seize a base for operations against us, in the time which would be at the disposal of an enemy from the moment when we were first apprised of his intentions until the arrival in the theater of proposed operations of the bulk of our fleet. * * * Troops cannot be transported overseas in any number save when naval command of the waters over which they are to pass has previously been assured, since a troop convoy is a large, slow, and vulnerable target, and will assuredly suffer heavily if its escort be attacked by anything like an equal force.

After alluding to the alleged "vice and poison" of the Ludlow resolution with reference to the crippling of our national defense, Mr. Stimson then attacks the idea of a war referendum because he is certain that its adoption would have an unfortunate "psychical influence" upon the people of the United States. Up to the present moment Americans have been trained to rely upon the "guidance of responsible leaders" in time of great emergencies, and this reliance has, according to Mr. Stimson, never been misplaced. When one thinks of President Madison slowly drifting into war with England on the unstable basis of the lie that France had repealed her decrees against American shipping, or when one recalls the action of President Polk in deliberately manufacturing war with Mexico, this idealistic picture of Mr. Stimson seems badly distorted in perspective.

In the event that the Ludlow resolution were incorporated in our Constitution and a national referendum on the question of offensive warfare were submitted to the people, what would be the result? Mr. Stimson quickly supplies the answer:

The President would be forced to consider the arts and machinations of the political leaders and the methods necessary to a high-pressure mass appeal. On the other side, the people would be diverted from their consideration of the national purpose involved in the President's recommendation and would be distracted by the lower appeals and cross-currents put forward by every kind of selfish leader or faction of every conceivable political purpose.

This argument has been repeatedly used by many opponents of the Ludlow resolution and it has gained wide currency in certain circles in America. Its basis is the same suspicion of democracy that runs throughout the statements of Mr. Stimson. We are vehemently assured that we can trust our political representatives but not the mass of our people. In some mysterious manner the will of the people will be controlled by irresponsible Pied Pipers who will seek some personal advantage rather than the good of the Nation.

A brief examination of some incidents in the conduct of American foreign relations will disclose the fact that our responsible political leaders are far more apt to be led astray by some smooth-quilled demagog than the mass of our people. As one studies the period from 1914 to 1917 it is only too obvious that President Wilson was constantly propelled down the road to war by a mild-mannered militarist, whose only objective was war between the United States and the Central Powers. Whenever the President leaned toward actual neutrality, Col. Edward House would redouble his efforts to push him to the brink of war.

In the early months of 1916 the President and Secretary Lansing had swung round to the German viewpoint that belligerent merchant ships should not carry armament if they expected German submarines to refrain from sinking them at sight. This decision was announced in a State Department circular of January 18, 1916, and it was hailed with delight by Germany and Austria because it seemed to pave the way for more friendly relations with the United States. But its path to peace was quickly blocked by Colonel House who sent a terse telegram—February 14, 1916—to Secretary Lansing bidding him to take no further action in the matter of armed merchant ships. The Colonel then signed a secret treaty with Sir Edward Grey, February 22, 1916, and American involvement in the World War appeared to be merely a matter of weeks.

President Wilson immediately followed the lead of the belligerent Colonel House, and by a strange campaign of misrepresentation the Gore-McLemore resolutions were defeated and an attempt by Congress to influence American foreign policy in favor of peace was rebuffed. In response to the urgings of Colonel House, the President then gave out a last statement to the press, which was followed by a cablegram to Sir Edward Grey announcing Presidential approval of the House-Grey agreement.

The only reason why America was not plunged into the maelstrom of war in the spring of 1916 was not because our President had carefully weighed all the factors in the international equation but in reality because the Allies did not want us as cobelligerents at that particular moment. We were more valuable to them as a neutral who could furnish immense supplies of munitions of war.

As one looks at this depressing picture of President Wilson being pushed toward war through the efforts of one glib-tongued individual like Colonel House, one cannot suppress a sardonic smile at the fine phrases of Mr. Stimson about the "terrific and sobering sense of responsibility" that constantly dwells in the breast of every American President. Could the mass of the American people be worked upon with anything like the same success by a group of political intriguers? The answer is an emphatic "no," because these politicians would have to make their appeals through public speeches and through the press. Intrigue flourishes far better in the secret channels of Presidential manipulation.

As an example of secret Presidential manipulation of congressional opinion, let us turn to the unpublished correspondence of Claude Kitchin, a leading Democratic statesman who opposed President Wilson's moves toward war. In a letter to Mr. H. F. Mooney, Mr. Kitchin reveals what price he had to pay for failing to support the Presidential program:

Between us, confidentially, I am sure, so far as patronage is concerned, I have little influence with the administration because of the fact that I cannot throw my hat for and agree with the President in everything he advocates. (October 23, 1915.)

Through his control over the patronage, President Wilson was able to whip many rebellious Democrats into line, and on February 28, 1916, this fact was so apparent to Mr. Kitchin that he complained to one of his constituents that the President absolutely "dominates Congress."

In the face of such facts, it should be clear to most thoughtful persons that a war-minded President can exert far more influence upon Congress than he can upon the American voters, in general, in the matter of a war referendum. There would be no opportunity to use the tremendous weapon of Executive patronage to compel acquiescence with his desires. It is an insult to the intelligence of the average American voter to charge that a loose-tongued politician could control his choice for peace or for war. As a matter of fact, the mass of the American voters would be subject to infinitely less pressure than can be exerted upon the President or upon the Congress in order to influence their decision. Throughout the world today democracy stands at a most important cross road. The issue of peace or war for America might well determine not only the destiny of our Nation

but also the future of free government. This choice can best be made by the American people through a Nation-wide referendum, and this procedure is given adequate outline in the Ludlow resolution.

Senator HATCH. Do you desire to ask any questions?

Senator WILEY is not a member of the subcommittee, but is a member of the main committee, and we will be glad to have him ask any questions he may desire to ask.

Senator WILEY. I want to get your interpretation of this joint resolution, particularly the words on the second page: "or to engage in warfare overseas." Have you given any thought to what those words mean?

Mr. TANSILL. It means, of course, an expeditionary force, does it not?

Senator WILEY. That is the way you limit it. Do you think it would interfere with neutrality legislation in any way?

Mr. TANSILL. Do you mean the idea of sending troops abroad?

Senator WILEY. No. It seems to me the matter of engaging in warfare overseas might be interpreted to mean doing anything to help either party, not necessarily sending an expeditionary force.

Mr. TANSILL. You mean munitions of war, do you not?

Senator WILEY. Yes. A great many things may be considered munitions of war nowadays.

Mr. TANSILL. That is true. I do not think that necessarily contemplates an embargo at all.

Senator WILEY. I think it is important to have that in the record, so that if this should become the law of the land there might be no misinterpretation of its meaning afterward.

Mr. TANSILL. Yes.

Senator WILEY. You think that engaging in warfare overseas means literally sending an expeditionary force?

Mr. TANSILL. I do.

Senator WILEY. In other words, if this were to become a part of our basic law, and if it were the judgment of the Congress that this Government should participate in selling to one or both or all the combatants war materials or something similar to that, such as food-stuffs, which keep alive the combatants engaged in warfare, that would not be construed as violating this language?

Mr. TANSILL. I think that language reads concurrently with the present neutrality legislation.

Senator HATCH. I think the point suggested by Senator WileY is illustrated by the first few months of our participation in the World War. Long before we sent any troops over we were actually engaged in war.

Mr. TANSILL. That might be technically true. I am interested in this matter. I testified the other day before the Senate Committee on Foreign Relations very much in favor of an embargo. I think economic ties and political ties are usually very close together. I think that was true in the World War.

Senator WILEY. We might differ on that, but we might agree on the fundamental meaning of this resolution. We might not agree upon the interpretation of the language "engage in warfare overseas" in the big, broad sense that any time you send anything over there you are engaged in warfare, almost in a literal sense.

Mr. TANSILL. I do not think that that comes within the purview of this resolution.

Senator WILEY. Is this resolution substantially the same as the Ludlow resolution? I refer now to Senate Joint Resolution No. 84?

Mr. TANSILL. I am speaking on the Ludlow resolution.

Senator HATCH. We are holding hearings on Senate Joint Resolution No. 84.

Mr. TANSILL. I think they are practically the same. This was introduced by Senator La Follette, was it not?

Senator HATCH. Yes. Are they the same? Are they identical language, or substantially the same?

Senator WILEY. I have a copy of the one introduced in the Seventy-fifth Congress, which contains the language "except in case of invasion by armed forces." This resolution says "except in case of attack by armed forces."

Mr. TANSILL. Yes. There has been some change in it.

Senator WILEY. This resolution reads:

The people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

Mr. TANSILL. The Ludlow resolution includes the idea, expressed in slightly different language.

Senator WILEY. My purpose in interrogating you was to try to get your idea of the scope of this joint resolution so that, if and when it shall become the law of the land, we may not find ourselves in a position of confronting something we had not anticipated. Sometimes it is better to have a little foresight than a great deal of hindsight.

Mr. TANSILL. Yes.

Senator WILEY. It changes the fundamental law of the land, which is something a good many people want.

Senator HATCH. Have you anything further?

Mr. TANSILL. I believe not.

Senator HATCH. Thank you very much.

STATEMENT OF MAJ. GEN. WILLIAM C. RIVERS, UNITED STATES ARMY, RETIRED

Senator HATCH. For the purpose of the record, please state your name.

General RIVERS. Maj. Gen. William C. Rivers, United States Army, retired, residing in New York.

Senator BORAH. You may be seated if you wish.

General RIVERS. Oh, I could not do that. I stood for 47 years while in the uniform talking to my superior officers. I am better able to talk when I stand. I could not sit and talk in the presence of Senator Borah.

Senator BORAH. Pardon me. I thought it might be more convenient.

General RIVERS. The prospects do not look so well with all these law books surrounding me. I am told all the members of this committee are lawyers.

Senator HATCH. This is the Judiciary Committee of the Senate, and all its members are lawyers.

General RIVERS. My friend who urged me to come and talk to you must not have understood that I would have to talk to lawyers. I

am not accustomed to talking to lawyers. Lloyd George said that old soldiers are very vain. He wrote three volumes to say that. Maybe that is the reason I came down.

My interpretation of the wording of the proposed amendment is that it would require a national referendum only when it is intended to send an American army to engage in a foreign or overseas war. Even if the amendment is adopted, it would not prevent our sending our forces to fight in a foreign war if the people so desired and so voted.

I note that the gentlemen on this subcommittee are all lawyers. Lawyers and diplomats are supposed to be generally against this Ludlow amendment. They are usually credited with having a rather formal view of many political questions—to revere precedents; to be inclined to uphold the status quo. I think I have never had any views which are critical of the legal profession. However, I confess to having at times great impatience with the trained diplomats. I would not go so far as to say the diplomats do not pass up any opportunities for a war. Yet they do seem to me to have lacked initiative and skill in preventing the outbreak of war at times.

I have recently had great admiration for Prime Minister Chamberlain's initiative, energy, courage, and persistence in going directly to the heads of states in his efforts to obviate or to postpone war.

The above views are responsible for my now speaking in a personal way. I left my father's cotton farm at 17 and entered West Point very young. There I was trained in formal discipline—educated for 4 years without leaving the grounds of the Military Academy, save for the one vacation of 2½ months after having been at the school for 2 years.

My life was then passed in active Army work until the age of 64. I wore the uniform and was under discipline, therefore, for 47 years. My reading has been of military subjects and campaigns, history, and biography. I have never read any works on the different theories or forms of government about which so much has been written during the last 50 years.

My personal experience in some of the later and lesser "red" Indian troubles in the West, and in all of our wars since—including line of battle work in all of our combats in France—have included no disagreeable experiences. So that I have no sort of complex about war. I never saw a retreat. My men always did well. I got promotion and more pay by wars—picked up a few ribbons and medals and a star or two.

But what does the average citizen of the United States—or the average town of this country—get out of a war? What besides continuing to pay heavy taxes and the return of the disabled and wounded men? Who can win in a modern war, which takes the resources of the states involved so that they are both about ruined?

My own judgment is greatly in favor of the usefulness and of the necessity of the amendment to our Constitution we are today discussing. I believe this amendment is the most vital thing in the way of legislation now before the Congress for its consideration.

In addition to my long personal experiences in wars and in battles, my conviction on the need for this amendment has been growing for some time, due to another phase of our national life. This is the great power of the President in modern times, the ever-increasing

and tremendous power of our Chief Executive. The men who wrote our Constitution could never have imagined the extent to which the President's power has normally grown and increased.

The framers of the Constitution could never have imagined such an increase in the power of our Chief Executive when they planned to have the powers of government divided between three agencies.

The power of the initiative in foreign affairs, with the powers of initiative as Commander in Chief, in the control of the diplomats and of the Army and the Navy; this all gives the President great power, that is the national power of the head of the state. However, the powers of appointment—the power connected with patronage—have grown to an extent that no one realizes their strength. The men who wrote the Constitution could never have dreamed the President would appoint tens of thousands of voters to public offices every year; appoint so many to lifetime places in the Federal judiciary, and so on.

I desire to name the chief objections that I have heard to this new proposal to amend the Constitution.

Citizens voting secretly would be more subject to propaganda than are the small number of the citizens who are members of the Congress. The contrary seems to me evident.

Questions as to war are too complicated to have a referendum. They seem to be simple as a rule; never so complicated as are many legal, tax, and other matters on which the citizens habitually vote.

The referendum is a new thing—about all of the 48 States have the referendum to vote on new amendments to their State constitutions—Switzerland, Norway, and Sweden must have had the referendum for more than 100 years.

Such a proposal ought not to be embodied in the Constitution. We have to try to use some new ideas, to minimize or to avoid war. We cannot just drift along into war after war, as so many nations have done in the past.

Voting would delay our defense. Not at all. The skill of the men who run the modern radios and other means of communication is too great to have any delay. Groups of men and women would discuss both sides of the referendum question on the same evenings—all over the United States. We can get a far better and more fair outline of the essence of any war question before the people by the radio than by the newspapers.

One hears numerous objections, such as the voting would give a foreign nation ideas we are divided, and so forth. Voting would delay our defense, and so forth. A reasonable study and consideration of all these numerous objections will indicate that they are not at all fundamental in nature.

The real and the fundamental objection to the Ludlow amendment is the change in the Government; the Constitution calls for representative government, and so forth. However, the nature of modern war is such that some risks ought to be taken and taken with boldness in order to minimize or to stop wars. Wars are followed by a generation of suffering to many millions of people. War consumes all the resources and money a country has. Look at the retardation to education, housing, and to almost all kinds of progress and development. If by new and bold experiments we are unable to minimize or stop

wars, civilization will be damaged and normal human progress and happiness rendered impossible.

One remark in conclusion: Possibly I was in error in saying a moment ago that I believe this Ludlow proposal is the most vital matter before Congress. Possibly the efforts of our Commissioner Paul V. McNutt and President Quezon to have the United States permanently annex the distant and indefensible Philippine Islands is the most vital question at present before the country. Mr. Quezon's political skill appears to be at its customary high level—witness President Quezon having so maneuvered as to place an American high official—Mr. McNutt—in front as asking for revocation of the Independence Act and for our annexation of the Philippines as a dominion.

Senator HATCH. Thank you very much.

STATEMENT OF HON. CAROLINE O'DAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Senator HATCH. Mrs. O'Day, the committee will be very glad to hear from you.

Representative O'DAY. Mr. Chairman, I have a very short statement to make for the record.

Senator HATCH. You may proceed.

Representative O'DAY. When in January of last year the Ludlow amendment was brought out of the Rules Committee by petition, terrific opposition was brought to bear from many sources. As a result, many who signed the petition believing in its rightness, found it expedient to withdraw their names and their support, and they voted against its consideration by the House. No vote was allowed on the amendment itself.

Gentlemen, that amendment can never be put to death. It will come before Congress again and again, as long as there are men and women in the world who see the monstrous injustice of sending our young manhood across the seas to perish in foreign wars without first hearing from them whether or not they believe the cause justifies the sacrifice they will be called upon to make.

We have learned from bitter experience that democracy cannot be preserved to the world though we sacrificed hundreds of thousands of our youth in the effort to do so.

It is an admirable thing to protect American property in foreign lands, but not to the point of slaughter for its security.

It is an admirable thing to rescue the suffering and persecuted minorities from countries who seek to annihilate them, and we are justified in doing so by every measure short of war.

This determination to keep our armies here at home does not mean that the United States have lost their courage. It does mean that they have lost their illusions as to war. The people of Europe have lived through the most terrible war in history and we have seen the misery that resulted to victor and vanquished alike. We see the horrors that was has inflicted upon China and Spain, the ruthless murder of defenseless men, women, and children; yet if our country was attacked or invaded every man and woman who loves it would rush to its defense.

But why should our men be sent overseas to fight for countries not their own and for causes that have their roots in ancient quarrels in which the United States were never involved?

The Ludlow amendment gives the people of these United States the right to say by their votes, except in the case of attack or invasion, whether or not their Army shall be sent.

It gives the man in the street, who later becomes the man at the front, the right to choose between possible death in foreign lands and a life spent in the upbuilding of his own beloved country.

It gives this greatest democracy of the world the opportunity to take up the challenge flung to it by certain dictator nations.

When this Ludlow amendment is passed we will have proved to the world that America really lives democracy, that it is a living, vital way of life which makes for peace, contentment, and a loyal, free citizenry.

Mr. Chairman, though this amendment may not pass this year, though it may not pass next year, though I may not live to see it pass, successive generations of mothers will keep this amendment alive. It will be brought to Congress again and again until finally it is passed; and I hope it will be during my lifetime.

I thank you very much.

Senator HATCH. Thank you for your statement, Mrs. O'Day.

STATEMENT OF RANDOLPH LEE, McLEAN, VA.

Senator HATCH. Please state your name for the record.

Mr. LEE. My name is Randolph Lee, McLean, Va.

Senator HATCH. You might identify yourself, as to the kind of business in which you are engaged.

Mr. LEE. I am a writer.

Senator HATCH. In what particular line, if you will pardon the inquiry?

Mr. LEE. I write books on government. I just wrote a book called "The Conscript in England."

Senator BORAH. Oh, are you the author of that?

Mr. LEE. Yes, sir.

Senator BORAH. Then I know you.

Mr. LEE. Mr. Chairman, I think this plan or proposal before the committee is due to a peculiar malady which has developed in this country, which I might call "vicarious Caesarhood." We have for many years seen a marked tendency in our Government toward the inevitable absolutism of the executive department; that the men actually operating the Government must do things, not only nationally, but internationally, because we are the strongest Nation in the world. There is a growing tendency for the Executive to exercise more and more power, not only nationally, but internationally. We know the type of man who becomes an executive must be a strong leader, must believe in his own power and in his own judgment. The men who are charged with these responsibilities must be men who believe in the things they talk about and the things they do. That being so, we have a direct drive toward absolutism in the executive branch of the government. It must find an outlet, not only nationally, but internationally.

If we believe in a democratic system of government, as almost everyone does, we cannot believe in a system of arbitrary rule, where the people have no responsibility, no control over the judicial processes, no control over the important functions that constitute the Government today. Therefore we have on the one hand the American idea that you must not impose government upon an unwilling people; that you are defying the whole set-up of a democratic regime, flying in the face of tradition, when you assume that arbitrary attitude. That is the executive idea, what you might call the foreign office idea, if I may group the executive with his subordinates in the diplomatic State Department. There is a strong tendency in that group to try to shape matters sufficiently along idealistic lines that the situation becomes complicated and there is a tendency for the Executive to commit himself to a policy which is entirely opposite to the American spirit of nonintervention with and noncontrol over the lives of foreign people. As a result of that tendency, we have this driving force, this dominating force, toward absolutism, which results in allying ourselves with some other nation in a vicarious effort to excuse and justify this dominating and driving power. The logical ally for such an undertaking or operation, from the United States' standpoint, is Great Britain, because England has that sort of set-up. They talk a great deal of democracy at home and engage in the most outrageous exploitation and oppression of people in every corner of the globe.

Therefore you have a situation in which an American Executive can feel the force of the ideology of liberalism and at the same time can enter into the exercise of this tremendous power, the strongest man in the world today, to dictate to the world. That is a temptation which I do not believe an Executive can resist, and we have very definite proof of that. I do not refer to this particular President, but it has been shown for the last 25 years that the executive or foreign group, if I may so classify it, in handling our foreign affairs, have handled them in the service and in the interest of the British rather than to the advantage of the United States. The result has been that we are today indirectly oppressing, through England, people in every corner of the world.

Now, take the British Empire, and take India. It has practically 400,000,000 people under heel. The natives over there cannot even get salt without paying a special tax, the benefit of which goes back to England. Indian is the heaviest-taxed land in the world today. One-third of the gross produce of farms is taken up in taxes. That has not been equalled for more than 300 years, when Akbar placed upon the people of India that tremendous tax. Today England has put that same oppressive tax into effect. And that is true wherever England has gone outside the pale of the people who speak the English language.

Take as an example Tanganyika, a former German colony. In Tanganyika, under the British, the people cannot have a free movement within their own former territory. The profits derived from labor there pass to the British Government and on to a small group of corporate interests. They have in every way driven the people of Tanganyika to the utmost bounds of oppression. The British Government spends for the education of white children \$150 a year. For the native population it spends \$1.42 per year for education. In no

single instance does the British Government allow these people to achieve justice.

What was the basis on which that German territory was taken over by Britain? There were two objectives in mind: The first was to spread civilization, as they called it, to the natives. The second was to keep open door to that territory for the whole world.

In the set-up of the League of Nations the Americans insisted on some promise that the natives would be protected. They inserted a form of report that the mandate power should make every year. Section 28 of that mandate provided that they must report on the charitable, social, technical, mechanical, and other like matters during the previous year in respect to the people of Tanganyika. In the last report that particular section contained just one word—"nil"—nothing. That was their own statement.

In no single instance have the people of India been allowed by the British any form of freedom. They cannot vote; they cannot have a voice in their taxes; they cannot do anything. If the Government wishes to do so, it can compel the men to work. If a man is employing men to work 6 days a week, and finds there is dire necessity for it, he can compel them to work 7 days, and he is the judge of the dire necessity.

Major Brown was sent by the League of Nations to make a report on conditions in Tanganyika and to give his findings to the League of Nations. In his report he says flogging is still very common, but he justifies it on this ground: He says when the Germans had Tanganyika they flogged the natives all the time, and they became accustomed to it, so that when they are flogged they feel that did something bad, and there is nothing wrong about it. That is the civilization in Tanganyika.

The other point was that they were going to keep the door open for other nations. They might have had some excuse for excluding Germany, a former enemy of the British, but it seems a little high to exclude their dear friend and burden bearer, America. After things began to get tight in the depression they closed the door to America. The excuse was that they were hard up and just had to do it. That is the only reason we ever do anything of that type.

In some other parts of the British Empire, like Rhodesia and South Africa, conditions are extremely bad. According to bishop of pretoria, the natives are locked up every night in a corral and forced to pay rent for it. They are paid in wages \$4 a week. That applies in Rhodesia as well, wages ranging from \$3.50 to \$4 a week. A native cannot leave the land in which he was born and raised, in which his people lived for generations before the British came, without a pass from the British authorities. He is fingerprinted. He cannot secure work without a card. He is virtually a slave without the most fundamental protection slavery had. There is no obligation after the man is broken down.

And while we talk about this myth of European democracy, take France. France has her own wage scale. England, by the way, has a wage scale for skilled workers in Tanganyika of 19 cents a day, working in the docks and work of that kind, which they call skilled work. It ranges from 19 cents to 72 cents.

France built a great system of roads in Northern Africa at 17 cents a day. They were supposed to play the game in the most

cricket fashion. When the Italians began to oppress them they raised it to 24 cents. France has more soldiers on African soil to keep her African subjects under control than any colonized nation at any time in the history of modern civilization. That is French civilization.

As we all know, there has been a continuous struggle for centuries between England and France and Germany. In that struggle they say we must play a part, because democratic principles are at stake. I think before you rescue a democracy you must identify it. I cannot see how a nation that has acquired by force control over 500 million, when she only has less than 60 million people in her own country, can be called a democracy. The exploitation of natives in English colonies is beyond description. If that is democracy, then the thing we have been talking about as democracy for 150 years is something very different. It is a terrible thing, of course, to say that 500,000 or 600,000 Jews are oppressed in Germany, but it is also a terrible thing to have 400,000,000 oppressed in India and 55,000,000 under the heel of the French.

We recently sent out our fleet to the Pacific to protect the British and Dutch Old Shell, the harmless little Dutch. But they are among the worst exploiters of foreign nations in the world. The Dutch maintain a system of peonage. A man is taken over for 5 years. He is paid a little at intervals. If it is desirable to penalize him for anything, fines are imposed against him. That means that he gets nothing.

It is the very system the world was struggling against 150 years ago, and now we are called upon to support that so-called democracy which is now exploiting two-thirds of the people of the world.

It seems to me, in view of the absolutely established fact that the Foreign Office—the Executive and the Foreign Office—is utterly incapable of taking a rational, balanced, courageous and practical view of our relations with the British Empire, it is something that must be carefully considered by the people of this country.

When we know that particular branch of the Government it hypnotized with personality and power, built upon the idea of responding to any appeal, often very worthy, we must look to some remote corner of the world other than the British Empire to put down oppression. That is the situation with which we are confronted.

There is one point I forgot to mention about the British policy. That is that England, during the last 2 years, when there has been so much yelling about bombing people in China and driving out people from Germany, during that time England was conducting two major wars. England has been fighting on the northwest frontier for 2½ years. According to the London Times, they were an independent and stiff-necked people who were unwilling to accept the guidance of the British Government. That was the justification for it.

The Wazaris were bombed in 1937. They did not let that get into the American press until 9 months later, although it was published in England. When some inquiry was made someone said that they could not stop bombing the Wazaris because there was no international convention covering it, and until there was such a thing they could not stop. They bombed the Wazaris and they bombed Palestine. The old theory was that when a community sets off a bomb the entire community is responsible. That has not been applied since the time

of William the Conqueror. That is going on today, with a blessing from the United States.

Now, if this is true, if we have so abundantly proved that the Executive power seems to be hypnotized, if we want to make the world safe for democracy, one of the best things we could do would be to leave England completely to herself. I believe this amendment will result in benefit to democratic people throughout the world. It would allow the people to put a check on this arbitrary rule, on this tendency to which I have referred on the part of the Executive, plus the Congress, which has become so excited over the Executive control policy for a long time that they cannot really exercise their best judgment. This Executive control is dangerous. It takes a man who is extremely courageous to stand out against the Executive, because he almost automatically brands himself as a traitor if he ventures to offer criticism of the policy of the executive branch. We need to be made safe from this system of vicarious Caesarhood which is over-coming the Government of the United States.

Senator HATCH. Are there any questions?

Thank you very much, Mr. Lee.

Other witnesses were supposed to be here, but apparently they have not arrived. We have tried to follow the order of witnesses that has been submitted to us, and shall continue that procedure. The committee will stand adjourned until 10:30 tomorrow morning.

(Whereupon, at 11:15 a. m., the subcommittee adjourned until the following day, Friday, May 13, 1939, at 10:30 a. m.)

WAR REFERENDUM

FRIDAY, MAY 12, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to adjournment, in the committee room, Capitol, at 10:30 a. m., Senator Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman) and Miller.

STATEMENT OF HON. HAROLD KNUTSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Senator HATCH. The first witness on the list is Representative Knutson. We will be very glad to hear from you.

Representative KNUTSON. Mr. Chairman, I am appearing in behalf of Senate Joint Resolution 84. As I read this proposal, it contemplates the same action as the Ludlow resolution.

Senator HATCH. There is a slight change in it.

Representative KNUTSON. But in substance it is the same.

Senator HATCH. The objective is the same.

Representative KNUTSON. Yes; the objective is the same.

I believe, if back in 1917 we had had a provision like this in the Constitution we would have stayed out of the World War. In times of stress, such as we had—and I am speaking now from personal experience, having been a Member of the House at that time—in such stressful times it is much easier to pressure a small group than the people as a whole.

Senator HATCH. This thought just came to me as you made that statement: When the pressure becomes very strong and the propaganda begins, is it not true that the larger the group the larger the stampede?

Representative KNUTSON. I think as a general proposition that is true; but I do not think it is so much true in a case where the people are confronted with the prospect of being plunged into war, particularly now when the women have the vote. I do not mean to intimate that men are more easily stampeded than women.

Senator HATCH. "Stampede" may have been an unfortunate choice of words.

Representative KNUTSON. I know what you mean. We are both westerners. In thinking of war, a man is more apt to think of the beating of drums and blowing of bugles, while the woman thinks of those who have to do the fighting. It so happens that I am the last

Member of the House who voted against war in 1917. I recall one instance at that time of a Member of Congress who had lost a son on the Mexican border. He swore by all that was holy that he would not vote to put America into the World War. When the roll was called I was very much surprised, having heard him talk, to hear him cast an affirmative vote. Upon being asked why he changed his position, he said that he had been deluged with telegrams and long-distance calls all day from people back home, asking him to stand by the President, and that caused him to change his position.

Now, it would be impossible to bring about a situation like that if this amendment were adopted. I do not care how great the pressure might be. It is always easier to make a breach in a given place in a wall than it is to demolish the entire wall. As I understand this resolution, it provides that it is applicable only when a proposition comes up to have us engage in a foreign war. It would not have any effect if we were threatened with invasion.

Senator HATCH. I believe the present resolution says "attack" instead of "invasion."

Representative KNUTSON. The two are almost synonymous.

Senator HATCH. I am not so sure of that. I think the word "attack" improved the resolution.

Representative KNUTSON. The attack would be the same whether it was an invasion or not.

Senator HATCH. It is the same in substance.

Representative KNUTSON. After all, Senator, it is the common people who have to do the fighting. In the final analysis they will have to pay the bill. That being the case, why should they not be consulted, if this is a democracy? We hear a good deal about democracy these days. It would seem to me that a proposal of such stupendous importance should be submitted to the people. I support it because I think it would minimize the danger of future wars and, in time, many other countries would adopt the same plan. Of course, if this plan were universally in effect, it would outlaw war. The common people would never vote for war if it could be honorably avoided.

I believe that is all I have to say. I thank you very much for your patience.

Senator HATCH. We are very glad to have had you with us.

STATEMENT OF HON. KNUTE HILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Senator HATCH. Congressman Hill will be the next witness.

Representative HILL. Mr. Chairman I want to say, in the first place, that I am unalterably opposed to war. To settle our international difficulties by war is just as foolish to me as to settle our personal differences by fist fights. I think we should settle these things amicably. Possibly that is because I am of Norse ancestry, like Mr. Knutson who just spoke to you. I think that Norway, Sweden, and Denmark, the Scandinavian countries, have had very good lessons along that line. In the early part of the last century Norway broke away from Denmark, and had no war. In the early part of this century Norway separated from Sweden and, both

through the statesmanship of the leaders and the people of both countries, they settled it amicably. They did not take part in the World War. Last week those nations notified Hitler and the people of Europe that they were not interested in war propaganda and war hysteria.

Second, I am of Quaker parentage, and Quakers are opposed to war. They have demonstrated that on many occasions. William Penn demonstrated that he could live with the Indians in peace. He had no trouble with the Indians.

In the third place, I have been a student of history all my life, majored in history at college. I learned from history that we never win a war. We always lose. I am constitutionally and personally opposed to war.

But, since we are living in a world of human passions and human prejudices, we must take those things into consideration. So I believe in adequate national defense. I believe, in case of invasion, that every man, old and young, should enlist and fight to protect their homes and families; but when it comes to foreign entanglements, that is an entirely different matter. We are going across the ocean to fight the battles of other people. When the question of war has arisen in the past I have stood with such men as Bryan and La Follette and Norris, who always stood for peace. I was opposed to entering into the war in 1917, and I am opposed to entering into any foreign war today; but since we are living in a democracy, if the people themselves should decide by a war referendum to go across the ocean and fight in other countries, I, as a representative, would be willing to follow their wishes.

A year ago I was a member of a committee of seven, headed by Congressman Ludlow, that urged the adoption of a similar resolution in the House. It is a constitutional amendment, and that is the democratic way to do such things, provided for in the Constitution of the United States. It takes a two-thirds vote of both Houses to pass this resolution, and then a vote of three-fourths of the legislatures of all the States or three-fourths of the conventions called for that purpose. If that is not democratic, I do not know what is. It depends upon the will of the people as well as the will of Congress. In case of invasion we have to act quickly, and I believe that Congress should have the right to declare war, as it now has; but in the case of a foreign war, I think we should have time to think the matter over.

Senator HATCH. You think a slowing-up process would come through the referendum, do you?

Representative HILL. A certain slowing-up process, not enough to prevent us from getting the desired result, but enough to give us time to cool off and to think it over.

Senator HATCH. One witness testified that a referendum could be held within 48 hours.

Representative HILL. I would hardly think it could be done within that short time.

Senator HATCH. I think it would be unfortunate if it were held within such a short time.

Representative HILL. There is nothing in the resolution requiring it to be done within that time.

Senator HATCH. I would not think it would have any value.

Representative HILL. A week or 2 or even a month to decide whether we should engage in a war in a foreign country would be sufficient, I think.

Senator HATCH. I think we ought to take time to consider the matter carefully.

Representative HILL. We have means of communication now that we did not have years ago, such as the radio, the telephone, and telegraph. It seems to me that within a week or 2 we could have the will of the people expressed.

Referring to this war hysteria influencing the people, about which you asked, Congressman Knutson, as to whether people might possibly be influenced more quickly than Members of Congress, I would like to say this: Having been a Member of Congress for 6 years, I find many of them are sitting on the fence and are most easily moved one way or the other. But even if that were true, it is not so much a question of who might be influenced by hysteria as the question of who should have the right to plunge this country into a foreign war, we who are sitting in Congress or the people back home, who will have to send their sons to fight the battles, and their daughters to be the nurses, and who will have finally to pay the bills. That is the real issue. If they are to be influenced by hysteria, that is their business. I do not think that that should enter into it.

I might emphasize that we are not in this resolution determining a war referendum, but determining whether the people shall have the right to vote on whether they will engage in a war. That is democratic, to my way of thinking. They say it will do away with representative government. Well, in case of a foreign entanglement or a foreign war, I would still be in favor of it, even if it does away with representative government to that extent, and make it directly democratic. I think it would be to the interest of the people that it be done.

I think I ought to emphasize the fact that I am receiving daily letters from churches, schools, and from mothers all over my district and my State, urging that they be given the right to vote on an amendment whether we shall engage in a foreign war. We have hesitated too long. We hesitated too long last year. We postponed and delayed until it was lost in the House. I urge this committee, and I urge Congressman Ludlow in the House, to take the matter up at once and pass it, bring it to an early vote, and see whether the Members of Congress will allow the people whom they represent back home to vote, not on a war referendum, but whether they shall have the right to vote on the question of engaging in a foreign war.

I thank you, Mr. Chairman.

Senator HATCH. Thank you for your statement.

STATEMENT OF HON. HAMPTON P. FULMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Senator HATCH. You may proceed at this time, Mr. Fulmer.

Representative FULMER. It is not my purpose to take up the time of the committee unnecessarily. I simply want to appear to go on record in behalf of the favorable consideration of the pending resolution. It is a known fact that our country was in the last war

largely because of greed and selfishness. I have not been able up to this good hour to make up my mind just why we entered that war. The people of the country cannot understand yet why our country entered that war. It has been said that we fought the war to make the world safe for democracy. I know what we got out of it—thousands of innocent lives slaughtered and millions of dollars spent belonging to the taxpayers of this country.

We are today living in the greatest age of propaganda and selfishness at any time in the history of this country. We in Congress are subjected to the great weight of propaganda that we receive every day about every subject on the face of the earth. We in Congress would not have to do the fighting, if we had a war. It is my contention that those who would have to do the fighting and pay the expense of a war should have the absolute right and privilege of passing upon that question. It would be an easy matter to pass this resolution and submit the whole matter to the people, so that they could consider in their own way, realistically, what a war would mean to the country and to the people who would have to engage in it, and then pass upon it.

I went back home some days ago, and practically everybody I met wanted to know: "Are we going to be forced into another war?" Every morning they pick up the paper wondering whether or not we are going to be engaged in a war. It is my idea that, if the people had the right to pass upon it, they would do so, having in mind the best interests of the country and the people as a whole. I firmly believe that the people of this country are perfectly willing to spend and be spent in defending our country; but it is my firm belief that our people do not want to take part in any foreign war.

I hope, Mr. Chairman, that your committee will be able to give favorable consideration to this resolution, and Congress may have an opportunity to pass upon it, I hope favorably.

I thank you.

Senator HATCH. Thank you for your very good statement.

STATEMENT OF HON. JAMES F. O'CONNOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Senator HATCH. Representative O'Connor, you may proceed at this time, if you wish.

Representative O'CONNOR. Mr. Chairman, I am approaching this subject from the standpoint of the people, and not from the standpoint of a Representative or one who has any special knowledge of the resolution that is under consideration. But I want to say a few words in support of what is known as the Ludlow resolution providing for an amendment to the Constitution to the effect, except in case of invasion by armed forces, actual, or immediately threatened, by an approaching military expedition, or attack upon the United States, or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by national referendum to declare war or to engage in warfare overseas. It is needless for me to say that action by Congress in declaring war is the most important that affects our country, human life, limb, and property.

The passage of any other law or resolution which proves to be a mistake can be remedied by modification or repeal, but once a war resolution is passed, and a war results, such action is beyond our undoing. We cannot restore the dead, repair the bodies, or heal the wounds caused by such action. During this generation we do not want to repeat the tragedy enacted nearly a quarter of a century ago. Aside from the loss of life and health of the flower of our Nation's manhood, we will keep on paying for that mistake, and I think it is generally conceded, while it may be beside the question, the justification for our entry into that war disappeared when it proved not to be a war to end wars.

No one would obstruct the passage of anything that would hurry action if we were invaded, or about to be invaded, but when it comes to a question of sending our boys overseas and financing world conflicts with which we have no concern, except remotely, then I, for one, want to share the responsibility of such action with those people who will more directly pay the price, namely, the fathers and the mothers of the country and the taxpayers.

The passage of an act of this kind is not entirely without precedent. We find in States where legislatures failed to respond to the demands of the people that those States have inaugurated a system of initiative and referendum which is not dissimilar.

We who have served in Congress any length of time know that Washington is the mecca of propaganda, subtle in many ways, but very effective. As was said by the late Senator Kenyon, of Iowa, the social lobby is the most dangerous and effective of all. We have seen, in my short experience here, Congress whipped into a state of fury by what might be properly termed "superpatriotism." If a war were to break out today in Europe, the propaganda going on now would be increased tenfold. Cartoons would appear depicting the brutality of the ones we were supposed to fight against—picture shows, newspapers, and every other means of disseminating information would work to incite Congress into action. It would be an easy course for a Senator or a Representative to go along, and it would take courage to go against.

Senator HATCH. Do you think that it is easy for a Member of the House or the Senate to vote for war?

Representative O'CONNOR. I mean this: With all that we are subject to here, it is an easy course to go with the tide. I could refer to an act that was passed in the House the other day, unprecedented in its character, for the first time in the history of the country placing the liberty of human beings in the hands of administrative officers. That resolution will shortly be before your body.

Senator HATCH. What resolution was that?

Representative O'CONNOR. The Hobbs resolution. I do not want to inject politics into this, but I saw Republicans take the floor and support that resolution who had theretofore said we have abandoned all principles of democracy and turned our power over to the President. They did that upon the theory that the class covered by the resolution was a bad class, which everybody admits. But, as pointed out by Abe Murdock, Congressman from Utah, we may today punish the bad man by this method, but once a precedent is established we might punish a good man by the same method.

Senator HATCH. To me that would be the most serious vote a man could cast. I do not see how that could be an easy vote under any circumstances.

Representative O'CONNOR. I happened to be in Washington at the time the war resolution was passed in 1917. I think there were only 53 or 54 Members of the House and Senate who had the courage to get up and say "No." We had a little woman from Montana in the House who had that courage.

Senator HATCH. Did it not take as much courage to say "Yes"?

Representative O'CONNOR. Of course, I imagine that is true to a certain extent; but, as I tried to point out in reference to the propaganda, when everybody is preaching it, when the newspapers are full of it, when you hear it over the radio, when you see the cartoons such as we saw in 1917, that has its effect upon public sentiment. The country was inflamed with that, and when you get the people inflamed you get a dangerous situation. We had it at that time.

Senator HATCH. Would there not be a tendency to inflame the people in such a referendum as this?

Representative O'CONNOR. No. I think not. If this resolution is passed and you submit to the people the question of whether they want to vote on the right to enter into a war, or when you submit to the people the question of voting on war, they are removed from this situation here in Washington. We all know that Washington is the mecca of propaganda. We see it every day. But you go out on the farms, into the little towns, and then you have a more sane deliberation. I would not say "a more sane deliberation," but you are removed from these influences about which I am now speaking. I think the people would take into consideration more seriously the real merits and would not be taken off their feet, so to speak, as we might be here in Washington. I, for one, as I said a moment ago, would like to share the responsibility of sending our boys across the ocean, an expanse of 3,000 miles, to fight on foreign shores, with the fathers and mothers of the country, before I vote for it.

I believe that our Nation would be safer to trust the people of the country, removed from this city, who are not subjected to the influences, which I have lightly touched upon, to say whether or not they want to participate in another conflict waged over territory and trade in the guise of again saving democracy. Is Europe's brand of democracy worth saving if we, in this country, have to go over there and engage in a mortal contest every quarter of a century?

Remember, members of the committee, it is not Congressmen who will man the machine guns, not Congressmen who will lead the troops over the top, not Congressmen who will fall the everlasting sleep on the blood-drenched battlefields.

It might also be suggested that were this resolution to be adopted by Congress, if it accomplished no other purpose, it would slow up the efforts of propagandists seeking to embroil us into European troubles and quarrels. It would show to the world that Congress wants no part of these quarrels. It would also serve another purpose: That no nation would be misled by hastily relying upon any help in this country. It might, likewise, allay the activities of the powerful lobbyists in behalf of the munitions makers.

It is contended by those who object to the passage of this bill that it is contrary to government by representation. This same argument was advanced to our inaugurating the initiative and referendum in the various States where it is used. We have it in Montana. We heard the same arguments. To go to the country is government directly by the very make-up of our democracy. We must bear in mind this fact, that this resolution, if passed, must be ratified by conventions in three-fourths of the States as provided for in the Constitution before it becomes a part of our law. In other words, the Ludlow resolution merely gives the people of our country the right to decide whether the question of war should be decided by the people or by their representatives in Congress. Now, we should also bear in mind that the United States should never enter a war except for defense purposes and defense of countries in the Western Hemisphere. Then how can this resolution be successfully attacked? All of the leading thinkers on the subject feel that we should only go to war for defense purposes.

I cannot conceive of a sane reason why this Nation should want to participate in a European war on the theory that in so doing we would be defending ourselves.

It might be well to consider how lightly life is regarded by the countries that are now apparently ready again to enter into a conflict. Touching upon this it is interesting to note Ambassador Gerard's statement to Colonel House and House's report to us of the conversation:

The Kaiser talked of peace and how it should be made and by whom, declaring that "I and my cousins, George and Nicholas, will make peace when the time comes." Gerard says that to hear him talk one would think that the German, English, and Russian peoples were so many pawns upon a chess-board. He made it clear that mere democracies like France and the United States could never take part in such a conference. His whole attitude was that war was royal sport, to be indulged in by hereditary monarchs and concluded at their will.

In conclusion may I say, gentlemen, that Congress should either pass this resolution, or find some method whereby we may inoculate all Congressmen to make them immune from the war mania. It is gradually developing now. We see it every day.

Senator HATCH. Do you mean in Congress or in the country?

Representative O'CONNOR. Not in the country. I will say in Washington. I have received many letters from my people in Montana, and I represent 860,000 people. I have never received a single letter that wanted this Government to participate in any European war or to repeat what we did before, not a single letter. On the other hand, I have heard right here in this city statements made that England's troubles and France's troubles are ours. I have heard that made by a good many people. It is in behalf of the people I represent and in behalf of the men and women of the United States, that I would like to see the country have a chance to vote on this resolution and determine whether or not again we are going to sacrifice our boys and our future, our property, and everything else like that, to save some country over there and to prevent a rewriting of the map of Europe.

That is all I have to say, Mr. Chairman.

Senator HATCH. Thank you for your statement.

**STATEMENT OF MRS. DOROTHY DUNBAR BROMLEY, COLUMNIST
FOR THE NEW YORK POST**

Senator HATCH. You may proceed at this time, if you are ready. Please state your name.

Mrs. BROMLEY. My name is Dorothy Dunbar Bromley. I am a columnist for the New York Post. I come here as a journalist and columnist for the New York Post. I started writing my column 4 years ago, when the Senate investigating committee was holding its hearings. I discovered how great the popular interest was in our becoming involved in such a situation as we found ourselves in in 1917. I found not long ago that the mail of some of the Senators on the Senate Foreign Relations Committee is very much like the mail the newspaper writers get. I do not know whether that has been your experience or not, but our mail is from people who want us to stay at home and stay out of Europe's troubles.

Senator HATCH. I never had a letter to the contrary.

Mrs. BROMLEY. That checks with my finding.

Senator HATCH. I believe that I did have one letter to the contrary, from a man in my State, but it was the only one.

Mrs. BROMLEY. He thought that we should intervene in Europe?

Senator HATCH. Yes; he was very anxious to do it right away.

Mrs. BROMLEY. But you remember it because it was the only one?

Senator HATCH. Yes.

Mrs. BROMLEY. I want to congratulate your subcommittee on holding these hearings. I take it that the Senate Committee on the Judiciary is as concerned with saving citizens' lives as it is with saving old forms.

A war referendum is a startling idea, I suppose, to those who think that a Constitution written 150 years ago cannot be improved upon today, when new means of communication facilitate voting. I do agree with you that 48 hours would be unfortunately rapid.

Senator HATCH. I do not think it would accomplish the desired purpose.

Mrs. BROMLEY. I doubt that, too. I was talking about it to a legal expert, and he said he was coming around to favoring this amendment. He thought the element of delay was an important factor. Perhaps 2 weeks' delay would give time for thought.

If we were to adopt the proposed war referendum, Senate Joint Resolution 84, I don't doubt that at some time in the future when Americans will take for granted their right to vote directly on participation in a foreign war, they will look back on our present-day method of conducting foreign relations as a shocking travesty on democracy. As shocking as the fact that we should have had slaves in this country less than a hundred years ago and that women should have been denied the vote up to 20 years ago.

I was interested recently to find this reference to the genesis of the Spanish-American War in Oswald Garrison Villard's autobiography. Have you read it?

Senator HATCH. No.

Mrs. BROMLEY. He tells the story that other historians have told before him, that Ambassador Woodford had obtained from the Madrid government satisfaction on all of our demands. "I believe that

means peace," Woodford wrote in his journal, "which the sober judgment of our people will confirm next November." Villard goes on to say, "Several years later I met General Woodford and he told me, 'The next thing I knew President McKinley went before Congress, failed to tell all that I had accomplished, and practically asked for a declaration of hostilities.'"

I know that our people at that time had been whipped up to a war fever. Yet I wonder what would have happened if a referendum had been taken before a declaration of war and if the above fact had leaked out in the interim? We shall never know the answer, and yet we know that a President was largely responsible for precipitating the Spanish-American War and that Congress did not stay his hand.

The question comes up: Does not Congress represent a true cross-section of American public opinion? In many respects I believe it does, despite the fact that labor has practically no representation in either House. Winds of passion and fear that sway the people sway Congress and vice versa. Yet in so fundamental a matter as war, the people, it seems to me, can be trusted to speak for themselves. If we exercise the right to choose a President by what amounts to a direct vote, why should we not have the right to vote on the issue of war, which will have a more profound effect on the lives of our people than the election of any one man as President?

I should not, however, want Congress to abdicate or ignore its responsibility. I do not think you should pass the buck, to repeat Morris Ernst's phrase. You have trained minds and after all, we pay you to think. If you believed a war should not be fought, you naturally would not put the question up to the people, any more than the President would submit to you a war resolution which he did not favor.

Am I right or wrong there?

Senator HATCH. I think that is good reasoning.

Mrs. BROMLEY. The Congress is supposed to be a check on the President, and yet I never heard of a President asking for a vote on a war resolution and not getting an affirmative one. Is this because the President is sure of congressional sentiment before he proposes the resolution, or because the old shibboleth "honor" compels Senators and Representatives to support a President once he has asked for a declaration of war in the eyes of the world?

What do you think the answer is? Why has it always been that way? It looks as though Congress is a rubber stamp in such a case.

Senator HATCH. Might it not also be that the sentiment is pretty well pronounced long before you get to the point of an actual declaration of war? The declaration of war does not come until the sentiment is definitely crystallized.

Mrs. BROMLEY. Then the question arises: How responsible is the President for crystallizing that sentiment.

Would the people feel it as incumbent on them, as Congress would, to support the President if he had gotten us into a situation where war was the traditional way out? Is it not likely that fathers and mothers and young women in love and young men who would do the fighting, would consult their own hearts and hopes and ask themselves, before they went into the voting booth, whether they wanted to pay for national prestige in blood and sacrifice? The people

of the world today do not accept war with the spirit of resignation they once did.

A referendum would be, I admit, no sure guaranty against our going to war to save democracy again in another part of the world. Propaganda might sweep the people into believing that the next war really would be the war to end all wars, that it would be over in a few weeks, that our country would be swallowed up by the Fascist aggressors if we didn't first swallow them. Should the radio be taken over by the Government, under the pretext of a national emergency, and the debate be completely one-sided on the air, we could hardly expect to have a real referendum. The people would have to be given the facts.

We do not have the facts right now. We do not know what commitments the President and the State Department have made to England and France. The dispatch of the fleet to the Pacific suggests that we have more than a nodding agreement with England. Why should an agreement that may result in the loss of thousands of lives and in all probability mean the end of our democracy, be kept from the people? Why would you say?

Senator HATCH. I would say that there should not be. There is no reason for it. You seem to be reversing the procedure and making a witness of me, but I am enjoying the discussion.

Mrs. BROMLEY. Why, if the President was not fearful, the people would not support his foreign policy, did he show such bitter opposition to the Ludlow amendment when it was being considered in the House a year ago?

I should like to hear the President in a fireside chat explain to the American people why he thinks they have not the right to vote on a war which would be of our own seeking or making in Europe or Asia. I should like to hear, too, Representatives and Senators who oppose the war referendum explain their position in all candor to their constituents. As you know, the Gallup poll shows a majority of Americans in favor of the war referendum.

Senator HATCH. I have already told my people I am opposed to it.

Mrs. BROMLEY. Have you told them why?

Senator HATCH. No; but I am willing to do it at any time.

Mrs. BROMLEY. I think you know you owe them an explanation.

Senator HATCH. When it comes to the floor I will make an explanation. I just want to add that my position should never be construed as in any way in favor of engaging in a foreign war. When I said it might take more courage to vote for war than against it, I was thinking of my own attitude. It would be contrary to every belief and principle I have.

Mrs. BROMLEY. I am glad to hear that. Does it mean that if you and one other member of this committee are opposed to the resolution, so far as the Senate is concerned, it will die here in committee?

Senator HATCH. No. I have already told the sponsors of the resolution that I will vote to bring it to the floor, either by a favorable report or an adverse report, so that every Member of the Senate will have an opportunity to vote on it. It will not be my purpose to hold it in the committee.

Mrs. BROMLEY. I am glad to hear that. That would be unfortunate and unfair.

The country is jittery now, jittery with fears of war. If Congress were to pass this referendum at the present session and submit it to the States, there would be a great change in national psychology. War would be far less imminent, because a new hurdle would have been put up, or at least would be a possibility pending action by the States. The President himself would move more cautiously than he has been moving, and England and France would be warned that whereas our people's sympathy is with them, those who are unwilling to send the Army and Navy to Europe, might have a vote on war.

Senator HATCH. Do you think the aggressor nations would be encouraged?

Mrs. BROMLEY. I am just going to discuss that.

Senator HATCH. Very well.

Mrs. BROMLEY. Some people argue that the war referendum encourages the Fascist nations to think that we are indifferent to their depredations in Europe. These apologists for collective security argue that it is better for us to hold the threat of our military intervention over the heads of the dictators. People who talk this way never say what we should do if our bluff is called. Go to war? That, I take it, is what the President would do, judging from his military budget and his remark, "If we don't have war next fall."

It is plain now that we cannot stop the march of events in Europe merely by threats. Do you think we can?

Senator HATCH. I know nothing about what may be the situation tomorrow or the next week. I would not venture an opinion.

Mrs. BROMLEY. Ever since January the President has been talking about using methods short of war, and yet Germany and Italy have not been deterred from further aggressions. Even so frequent a defendant of the President as Raymond Clapper admits that the President's recent message to Hitler has if anything brought us closer to involvement in Europe's game of power politics. The war that the President is preparing to draw us into will not be a clear-cut struggle between the democratic and the dictatorships. Roumania, Greece, Poland, and Russia, who would presumably be on our side, are hardly democracies. The French and British Empires, for the preservation of which we should be fighting, are hardly democratically ruled.

I understand you had a witness on that subject yesterday, Mr. Randolph Lee.

I don't doubt that President Roosevelt thinks he is doing the right things, just as President Wilson did, but I do question whether one man should have it in his power to shape our foreign policy and plunge 130,000,000 people into war. It would be a war that would set up in this country a Fascist-regimented society, the blueprint for which is waiting to be passed. It would be a war that would bring in its wake a depression which would almost certainly result in the overthrow of the present social order and in possibly the ascendancy of an American-born Fuehrer.

You will all admit, I am sure, that another war would be an appalling catastrophe for this country. You cannot help but be aware of your very heavy responsibility. The decisions that you make on the neutrality legislation and on this referendum may in the end cast the die for peace or war for this country. The time is

short. You have the opportunity to make history by laying before the States this amendment. It would completely change the atmosphere in which our foreign relations are at present conducted.

Thank you for hearing me.

Senator HATCH. Thank you for your fine presentation.

STATEMENT OF HON. HAMILTON FISH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Senator HATCH. Representative Fish, we will be glad to hear you now.

Representative FISH. Senator, I may be hede under a misunderstanding. I was invited to come here by various members of the House and Senate. I am not sure whether you are limiting your discussion to the Ludlow resolution or the other resolution.

Senator HATCH. The Ludlow resolution. It is a joint resolution, a Senate joint resolution introduced by Senator La Follette and a number of others, but it is substantially the same as the Ludlow resolution.

Representative FISH. Then I am afraid I am here on a misunderstanding. I was under the impression that the La Follette resolution was to give the right to the people to vote whether they should conscript our American citizens.

Senator HATCH. That is not included in this resolution. This is primarily in relation to the declaration of war, except in case of attack upon our country or the Western Hemisphere.

Representative FISH. I was under the impression this was a bill to give the people the right to vote on conscription. Has there not been such a bill before your body?

Senator HATCH. I have not heard of it.

Representative FISH. I thought that was Senator La Follette's idea. I am a little embarrassed. I voted for the Ludlow resolution at the last session of Congress, and spoke for it. Whether I shall do so now or not, I do not know what my attitude will be. I understand the objections to it, and I do not think it will have a chance to go through at this session. A good many Members who signed the petition before will not sign now. I do not think they can get 218 signers. I doubt if they could get half that number. So I think it becomes more or less an academic question. We know the veterans' organizations are almost universally against the Ludlow resolution, because they believe, whether rightly or wrongly, that it will interfere with the national defense. They have taken a very strong attitude, rightly or wrongly, against the Ludlow resolution, and it will have a tremendous effect on Congress.

Senator HATCH. I have not heard their arguments, but I know they want the opportunity at the proper time to present their views against the resolution. I do not know upon what they base their objection.

Representative FISH. They base it upon the question of national defense, plus the question of changes in our representative system of government; that it is a constitutional power given to the Congress to declare war, and they believe a modification of it would be a change in our constitutional form of government.

As long as I am here, I will say that I do not think the Ludlow resolution can possibly go through. I do not believe they can secure the necessary number of votes to bring it out in the House. I am primarily interested in keeping out of war.

Senator HATCH. So am I.

Representative FISH. I heard what you said. I will say that out in the West, away from New York and the eastern seaboard, there is very little sentiment for being involved in any foreign commitments, any foreign war.

Senator HATCH. There is no such sentiment in the West.

Representative FISH. All three of the Washington papers are internationalists, interventionists, outside of the Scripps-Howard paper, and they naturally control the news. The same thing applies to the New York Herald and the New York Times, and many of the larger newspapers. They are internationally minded, and they are convinced that if there is a war in Europe we must get into it. That is the most difficult thing we have to combat. It is an American issue, and above partisanship.

Senator HATCH. Is it not true that a declaration of war followed a long series of discussions which more or less inflame the public mind? Do we not always precede a declaration of war by a long discussion?

Representative FISH. That may be true; but this propaganda has been running full blast for 2 years. Of course, the Cuban propaganda ran for 60 years. We believe this propaganda has been going on for 2 years. I would not say it has been going full blast, but it has been going very energetically, and will be increased as we go along. I should not and will not be partisan in my views on this subject, but I do want to call your attention to a statement of the view of the President himself. That is all I can call it.

On April 11 President Roosevelt endorsed an editorial in the Washington Post which stated that if war broke out in Europe our participation in it would be virtually necessary. That is the whole basis of the argument of those people who believe any war that breaks out is our war. I do not have time to argue that at this time, but I will do it in another place.

I do want to take occasion to suggest, if the Ludlow resolution is not going through the Senate and the House, there is another proposal which might receive consideration, and I believe it could be done without a constitutional amendment. This is what I offered in the House, and I do not believe the veterans' organizations will oppose it. It is that the people shall have the sole power by national referendum to draft citizens or aliens for service outside the Western Hemisphere or our territorial possessions.

Senator HATCH. That is just in relation to the draft?

Representative FISH. Yes. That simply says that the American people shall have the right to say whether their sons shall be drafted to fight in foreign countries. It is a check on any internationalist President or interventionist President or any Congress willing to follow him. It seems to me it is almost fundamental that the people should have the right to vote on that vital question. That would be a check, and I am quite sure that it would pass Congress almost unanimously. Very few people would like to vote against a propo-

sition of that kind to deny the people the right to say whether their sons should be sacrificed to fight the battles of other people. That is the fundamental issue.

On the declaration-of-war question, I can see no objection to it, but I do not know how I will vote on the resolution. I have talked it over with Members of Congress who will not vote for it.

Senator HATCH. I am concerned about these causes which lead up to war.

Representative FISH. We are a very small part of the picture, and these wars emanate from Europe, the causes are economic, and we have very little to say about it. My own idea of the German situation is that it could be settled in a week's time. Here you have a nation of 80,000,000 people being added to at the rate of five or six hundred thousand a year; and Italy, with 44,000,000, and with a yearly addition of some 400,000. They need foodstuffs and raw materials, and have no means to buy, no gold or foreign exchange. Unless they are assured raw materials and foodstuffs, they would rather fight and starve. It seems to me, unless they can have that assurance, there may be war this year, next year, or 5 years from now, but ultimately there is going to be war, and the whole of Europe will be involved.

I was going to call attention to this book, *Conscript England*, but I understand that Mr. Lee was here yesterday.

Senator HATCH. He made a very interesting statement yesterday.

Representative FISH. All I want to say is that when you get down to considering any amendments, if you do, to the Ludlow resolution, the matter to which I referred might not be opposed by the veterans' groups, because it will interfere with national defense, in their opinion. This is simply a question of giving the people the right to say whether the youth of America shall be sent to foreign wars. I have never found a single objection to it. It affects the lives and the properties of all Americans, and they ought to have the right to say whether that shall be done or not. It does not interfere with our constitutional prerogatives, so far as a declaration of war is concerned.

Furthermore, I think you will agree it will operate as a check on these excessive armaments we have today. I voted the other day for a big Navy, supposedly for national defense. I do not know whether it is or not. It may be for aggression. If you put this check in the hands of the people, it will serve as a check on the war hysteria, as a check on this idea that it is inevitable that we go to war if somebody else does. That is the thing that I am asking your committee to consider, if you consider any amendment.

I was surprised when I learned that Senator La Follette had introduced this resolution. I thought he had introduced a different sort of resolution. I am very glad to have had the opportunity to say these few words. I think this proposed resolution to which I called your attention can be adopted without a referendum—merely a resolution of Congress.

Senator HATCH. If Congress has the power in the first instance to draft men, I do not see why it should not have the power to provide for that question of referendum to which you referred.

Representative FISH. I come from the conservative State of New York. I served in the constitutional convention last summer. We

submitted the result of our convention in the form of nine different amendments, submitted to the people by direct referendum. That is the highest law of our State. The people adopted six or seven out of nine. If we can submit a thing of that kind to the people of the State of New York, certainly we can submit to the people of the United States the question of whether their youth shall be drafted.

Senator HATCH. I would not want to express a legal opinion on it, but there is some question of the power of Congress to submit a referendum except by constitutional amendment.

Representative FISH. I should think we have the power to do that. I have had some people look it up, and they tell me we have. William Tyler Page of the House looked it up, and he thinks we have that right.

I am very much obliged to you.

Senator HATCH. We are very glad to have had you with us, and glad to know about your proposed resolution.

Representative FISH. As I said, I do not believe the Ludlow resolution can possibly go through. The veterans' organizations are absolutely opposed to it.

Senator HATCH. I did not know that.

Representative FISH. They have been approaching Members of Congress and giving their reasons. They are very active.

Senator HATCH. Some of their representatives have asked to be heard later by this committee in opposition to this resolution.

Representative FISH. I do not think they would oppose a resolution of the kind I have mentioned here. I am going to advocate that. I do not want to get in the way of the Ludlow resolution. I may vote for it.

Senator HATCH. The committee will adjourn until next Wednesday at 10 o'clock.

(Whereupon, at 11:50 a. m., the subcommittee adjourned until Wednesday, May 17, 1939, at 10 a. m.)

WAR REFERENDUM

WEDNESDAY, MAY 17, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C., May 17, 1939.

The committee met, pursuant to adjournment, in the committee room, Capitol, at 10 a. m., Senator Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman), Miller, and Borah.

Present also: Senators La Follette and Wiley, of Wisconsin.

Senator HATCH. The committee will come to order. All the members of the committee are not present at this time, but I am authorized to proceed with the hearing.

STATEMENT OF STUART CHASE

Senator HATCH. Mr. Chase, I believe your name is first on the list. If you are ready, we will be glad to have your statement now.

Mr. CHASE. I am ready to proceed now, Mr. Chairman.

Senator HATCH. We are very glad to have you with us. I have read many of your works, and found them very interesting and informative.

Mr. CHASE. Thank you.

Senator HATCH. You may proceed in your own way.

Mr. CHASE. Mr. Chairman, I come before this committee as the father of a boy of military age, and as the author of some economic studies of the place of the United States in world affairs.

I am in favor of this bill. It may not prevent war, but it will, I believe, prevent us from being rushed into a war by a belligerent, frightened, or acquisitive minority.

We are the only great nation on earth which can afford the luxury of democracy in deciding between war or peace. The United States is unique and alone. It does not have to act the way less fortunate nations are forced to act. Its statesmen do not have to imitate the policies of other countries in respect to war, alliances, foreign trade, loans abroad, life lines to colonial empires, outlets for surplus populations.

Now, in this presentation I should do myself a great injustice if I did not make it clear that I have a tremendous sympathy for other people the world around. I have been in all parts of the world, and I know that the folks of the world are just the same sort of folks, wherever you find them. But when it comes to war or engaging our Nation in war, I think of my own boy, and I want to be realistic.

Take a map of the world and look at England, Japan, Germany, France, Italy. What do you see? You see that the first two are islands, and not especially large islands. You see that the last three are fragments of the continent of Europe, with boundaries which have no particular economic justification. You could put any one of them comfortably in the State of Texas. You could put all the 24 sovereign nations of non-Russian Europe in the United States, and they would take up only two-thirds of the area.

I cannot bring myself to believe this country will need to fight a war in its own interest for many years, and perhaps many generations. If we do fight, it will be more or less in the role of a Galahad.

We are not a nation in the European sense at all. We are an integrated continental area, protected by 3,000 miles of salt water on one side, and 5,000 miles on the other, beyond the reach of the best bombing planes for years to come. Iowa cannot go to war with Nebraska. New York cannot raise a tariff wall against Connecticut. No State has a suppressed national minority demanding self-determination. We can't take any credit for this condition. It is our good luck.

Suppose the United States were like Europe. Then we should have some 20 or 30 independent nations on our territory, each trying desperately to make its own economic position more secure at the expense of the rest. Half of them would be ruled by dictators. The free city of New Orleans, for instance, and the Mississippi Corridor back of it would be a powder mine, ready to drench the continent in blood. There would be "Maginot lines" along the Ohio, the Missouri, the Colorado. Nations in the interior would be plotting for access to the sea. New England would be arming against New York to regain control over Long Island, a territory which had changed hands six times in the last century. We should owe an annual armament bill of \$15,000,000,000. Every man, woman, and child on the continent would be fitted with a gas mask. None of us would sleep very well at night, listening for sirens and bombers. Under such circumstances, the resolution this committee is considering would be irrelevant.

We can admire the people of Europe, and still be sorry for them. They have not got together since the fall of Rome. They have been marching, fighting, recarving their boundaries for 1,500 years. Their present political structure is unsuitable to the power age. No one nation has adequate natural resources inside its own boundaries, and few are on good enough terms with other countries to be sure of importing what they need. When they fight it is for economic motives far more acute than any conflict of ideologies. Modern Europe presents a terrible problem in political and economic anarchy. In my opinion, the only answer lies in some form of economic unification.

The people of Europe may have to fight before they can think. We have time to think. We can wait. We can choose a course. We have achieved economic unity in North America. As a result we are the strongest nation on earth today, the most productive, the most democratic—and the luckiest.

To give the committee some figures which show this statement is not merely rhetoric: They are not in very good form. They are printed and come out of a little book. This gives the approximate

number. This is a table showing the approximate percent of world totals in various major economic items. The United States is compared with Great Britain, Germany, France, Italy, and Japan. Of the 26 countries listed on this table the United States leads in every one of the products, except potash, silk, and sugar. Look at the fat, massed percentages for the United States and then at the poor, thin ratios and the many zeros for Germany, Italy, Great Britain, France, and Japan. Look at the arable land, freight hauled, iron, copper, lead, zinc, sulphur, steel, wheat, corn, cotton, and many other items in which the United States is far ahead of any of the other countries. There is just no comparison between the United States and any one of the other great powers. It is unfair to line up with them. From the industrial point of view, we are so far ahead that we could take on all five of them, with Russia thrown in. If they should all combine to attack us, we clearly have the industrial capacity to stand them off.

If you take the British Empire instead of just Great Britain, then you get a little closer to a real comparison. Of the 11 items there listed, the United States leads in 7 and the British Empire in 4. Remember what a tremendous area the British Empire covers, not only Great Britain, Australia, New Zealand, South Africa, India, the East Indies, and many other areas. They are widely scattered and held together by a tenuous life line all over the planet, while we are one single continental area.

Senator HATCH. The table referred to may be incorporated in the record at this point.

(The above mentioned table is here printed in full, as follows:)

TABLE I.—Approximate percent of world totals

	United States	Great Britain	Germany	France	Italy	Japan
General:						
Population.....	6	2	3	2	2	3
Land area.....	8	0.2	0.4	0.4	0.2	0.3
Arable land.....	3	0.3	0.6	0.4	0.4	0.2
Tons of railroad freight hauled.....	43	3	6	3	1	1
Railroad mileage.....	34	3	5	4	2	2
Motor vehicles produced.....	76	8	5	3	1	(1)
Energy production:						
Electric power produced.....	35	7	11	4	4	6
Coal produced.....	34	19	14	3	1	3
Petroleum produced.....	62	0	(1)	(1)	(1)	(1)
Mineral production:						
Iron ore.....	29	8	4	19	(1)	(1)
Copper.....	32	0	2	0	(1)	5
Lead.....	22	2	6	0	2	1
Zinc.....	30	(1)	9	0	4	1
Natural phosphate.....	28	0	0	(1)	0	1
Potash.....	8	0	63	16	0	(1)
Sulphur.....	78	0	0	0	13	8
Steel production.....	38	10	15	6	2	4
Pig iron production.....	30	8	15	8	1	2
Foods and fibers:						
Wheat.....	16	1	4	6	5	1
Corn.....	63	0	0	(1)	3	0
Sugar.....	6	2	7	3	1	0
Cotton.....	50	0	0	0	(1)	0
Wool.....	12	3	1	1	1	0
Silk.....	0	0	0	1	3	80
Wood pulp.....	24	1	11	2	1	19

¹ Less than $\frac{1}{2}$ of 1 percent.

Percent of world total

	United States	British Empire		United States	British Empire
Petroleum.....	43	2	Tin.....	0	43
Coal.....	37	23	Bauxite.....	18	7
Iron ore.....	27	11	Rubber.....	0	65
Copper.....	28	20	Cotton.....	52	18
Lead.....	26	37	Wool.....	12	49
Zinc.....	32	27			

Mr. CHASE. I think that makes it pretty clear that the British people cannot afford a war referendum. They haven't time. Their food supply might suddenly be cut at sea, and in 6 weeks they would begin to starve to death. The British economy depends on swapping manufactured products for food and other raw materials.

We have no such dependence. We are not only a greater industrial country than England, but we have so much food that our farmers cannot get rid of it. Ours is a problem of abundance; theirs is a problem of threatened scarcity. Here is another table illustrating this point. It shows the position in respect to major resources of the United States, then North America, then the Western Hemisphere, as compared in turn to Europe as a whole, Russia, Great Britain, Germany, France, Italy, Japan.

The Fortune people were so interested in this that they reprinted it. It shows the extent of natural resources, not in figures, but in pluses and minuses. Two pluses mean a surplus in natural resources; one plus means adequate natural resources; one minus means a shortage; two minuses means away short; a zero means none; and an asterisk means there is a possibility of development.

Look at the United States. The only items in which we are short are tin, nickel, manganese, chromite, mercury, and sugar. Since this table came out the manganese folks have been writing excited letters saying that there is manganese, and there is, but the bulk of it must be obtained from abroad. The table shows that we are way short on tin, nickel, manganese, chromite, and simply short on mercury and sugar.

Stepping from the United States to North America, we find a much stronger position, and when we step to the Western Hemisphere it is a great deal stronger.

Assuming that the United States is prepared to defend the Western Hemisphere and keep its trade routes open, the only serious shortage is natural rubber, now imported largely from the East Indies. Rubber is elastic in all senses, including the time factor. We can store it or wait for it much longer than we could store or wait for some necessary foods. If worse came to worst, it could be manufactured synthetically by the du Pont process.

I understand that at the Chamber of Commerce meeting here last week the Du Ponts put on a show of this synthetic rubber, which can be produced by mass production for about 25 cents a pound. It is true that the cost of the natural rubber would be somewhat higher, but less than a few days of war would cost.

Again, Brazilian rubber can be developed, given time enough, to serve the needs of the Western Hemisphere. Again, if we have our wits about us, we can swap some of our surplus.

There are no imports from Europe which are absolutely vital to our well-being. No significant industries are as dependent upon European imports as they were at the outbreak of the World War. If these imports were shut off the chief sufferers would be traders whose interest is vested in the import business and consumers of such luxuries as French lace and English leather goods. If the import of shoes from what used to be Czechoslovakia were shut off, thousands of shoe workers in Brockton, Haverhill, and Lynn would go off relief and onto factory pay rolls.

One of our chief imports from Asia is Japanese silk. Already two great factories are nearing completion in this country which will manufacture a fiber stronger than silk, equally lustrous, and made from air, water, and coal. The Japanese silk trade is doomed, war or no war.

Our export business is now running at the rate of about 4 or 5 percent of the national income. Here are the figures.

(The figures above referred to are as follows:)

TABLE II.—Extent of known natural resources

	United States	North America	Western Hemisphere	Europe	Russia	Great Britain	Germany	France	Italy	Japan
Arable land.....	++	++	++	+	++	-	-	-	+	-
Water power.....	++	++	++	++	++	+	++	-	-	-
Coal.....	++	++	++	++	++	+	++	-	-	-
Petroleum.....	++	++	++	++	++	+	++	-	-	-
Iron.....	++	++	++	++	++	+	++	+	-	-
Copper.....	++	++	++	++	++	+	++	+	-	-
Lead.....	++	++	++	++	++	+	++	+	-	-
Zinc.....	++	++	++	++	++	+	++	+	-	-
Aluminum clays.....	++	++	++	++	++	+	++	+	-	-
Tin.....	++	++	++	++	++	+	++	+	-	-
Nickel.....	++	++	++	++	++	+	++	+	-	-
Manganese.....	++	++	++	++	++	+	++	+	-	-
Chromite.....	++	++	++	++	++	+	++	+	-	-
Tungsten.....	++	++	++	++	++	+	++	+	-	-
Mercury.....	++	++	++	++	++	+	++	+	-	-
Phosphate.....	++	++	++	++	++	+	++	+	-	-
Potash.....	++	++	++	++	++	+	++	+	-	-
Sulphur.....	++	++	++	++	++	+	++	+	-	-
Timber.....	++	++	++	++	++	+	++	+	-	-
Natural rubber.....	++	++	++	++	++	+	++	+	-	-
Cereals.....	++	++	++	++	++	+	++	+	-	-
Sugar.....	++	++	++	++	++	+	++	+	-	-
Coffee.....	++	++	++	++	++	+	++	+	-	-

Key: ++, surplus; +, adequate; -, shortage; --, way short; 0, none; *, can be developed.

TABLE III

[In billions]

Year	National income	Exports	Percent
1913.....	35.7	2.5	7
1917 (war business).....	51.3	6.2	12
1925.....	81.9	4.9	6
1930.....	72.1	3.8	5
1932 (depression low).....	40.0	1.6	4
1935.....	55.2	2.3	4
1936.....	63.5	2.5	4
1937.....	69.8	3.3	5

Mr. CHASE. The domestic market absorbs 95 percent of all our output. Must we go to war for this beggarly 5 percent? Need we go when about a third of it is with countries in the Western Hemisphere where trade routes are almost sure to be maintained?

There is no raw material, with the possible exception of rubber, that we desperately need from the Old World. If a war cuts the trade lines, we are left with a serious problem of reorganization in some of our industries, but we are not left high and dry. In many cases home industries will be stimulated, such as boots, shoes, leather goods, certain mining areas, ceramics. Jobs will be lost but jobs will be made.

I these circumstances, I do not care to see my boy sailing away to die in Europe or Asia for a trade which I know, and can prove, is not vital to the American continental economy. In these circumstances I do not want a small minority with a vested interest in the Old World trade to force American boys into the transports before the citizens of this Republic have a change to register their opinion.

Going to war to protect our investments in the Old World need not be argued. The sad facts since 1914 make such argument ludicrous. During the war, we loaned 10 billions to our allies. They have not paid and do not intend to. In a very real sense they cannot pay, because our tariff policy makes it impossible for them to pay in goods.

Since the war we have loaned some 14 billions more to governments and private parties abroad. It is estimated that when the books are balanced, 10 billions of this "investment" will be in default. That makes 20 billions, more or less, of American products shipped abroad for which nothing has been received in return. In effect we gave away our soils, minerals, oil reserve, manufactured goods.

It is hardly worth while to send an army overseas to collect debts which have already gone sour, and which will grow still more sour as a war drags on, and the economies of Europe and Asia sink deeper into bankruptcy. We've played Santa Claus twice. Let it go at that. Our present investment in China, for instance, is only \$132,000,000. Harry Hopkins used to spend that amount in a month when he put his mind on it. As in the case of foreign trade, a large fraction of our collectible investments are in the New World—Canada, Latin America, and the Caribbean.

There are two grave economic temptations leading this Nation toward war in defiance of the facts. Both seem to me contemptible, and I shall state them without gloves on.

1. Shall we kill a million boys to give stocks a ride in Wall Street, and a temporary boom to business?

2. Shall we kill a million boys to give our excess savings an outlet in war investment, because we are too stupid to find adequate channels in peace investment. I know that it is easier to finance death and destruction than to finance life and construction, easier to forget about the metaphysics of balanced budgets in wartime than in peacetime.

These bloody and cowardly paths out of business depression are not good enough for me, gentlemen, not nearly good enough. I profoundly doubt if they are good enough for the majority of the citizens of America. I would like them to pass on the question.

Leaving the economic field, let us look at the validity of noneconomic reasons for engaging in a war overseas.

It is widely alleged that if hostilities break out in Europe it will be the democracies against the dictatorships. The United States is a democracy, and, accordingly, it should join with brother nations to crush the menace to liberty and freedom which the totalitarian idea presents. This is an appealing argument, but being almost entirely verbal and abstract, it collapses at the touch of realistic consideration.

In the first place, we fought a holy war for democracy in 1917. We won that war. Did we save democracy? Intelligent people do not make fools of themselves twice in the same way.

In the second place, the line between democracies and dictatorships today is blurred. It changes with every morning's headlines. Our allies in any new war for democracy are likely to include some astonishing democrats. Mr. Stalin, that great defender of the Bill of Rights, may be with us, together with the dictators of Poland, Rumania, Greece, and Turkey. Nor is it altogether impossible that we might wake up some fine morning to find Mr. Mussolini, the founder of fascism himself, in bed with us. Many observers expect Italy to double-cross the German axis as it did in 1915. England and France are democracies of sorts, but their empires were seized by military aggression, and the people they conquered do not all enjoy the blessings of democratic rule. Is it our ideological mission to help Britain sit on India?

Again, we should look rather silly whooping it up for democracy on the one hand and defending the Western Hemisphere on the other. There are 20 nations in Latin America, of which all but 3 or 4 are ruled by dictators.

Just to cap the picture, remember that if we should go to war against Germany, the young men of Czechoslovakia would be in the German Army, and our young men would be forced to shoot them. That is, we should kill citizens of that democratic state which, above all others, has recently won our sympathy and admiration.

In the third place, I cannot follow the people who, like Lewis Mumford, see "fascism" in the form of the devil incarnate, as real as that Satan whom Luther observed crawling through his window. To them it is a thing, walking, worse than war, which has hit the world like the black death—a monstrous evil spawning suddenly in the minds of evil men.

I don't believe in the spontaneous generation of either the bubonic plague or the practice labeled "fascism." I see loathesome practices in Germany and Italy. I see practices only less loathesome in other countries. I see other nations—for instance, the Poles—persecuting minorities, especially Jews.

The ideological case for an expedition overseas is a verbal squirrel cage. Take one specific pressure group. The American Communists today are strong for unneutral economic measures. They want the United States to go to the aid of Russia against Germany and Japan. But suppose tomorrow Russia and Germany got together, as is not impossible. The papers have mentioned such rapprochement several times during the past 2 weeks. Then the Communist line will be knocked into a cocked hat.

Every ideological pressure group is founded on a similar quicksand. The new shifts, the "line" blows up, the experts are confounded once

more. Here, if anywhere, the American people should vote the question.

These are some of the reasons why I believe that Europeans must settle their own problems, and that we cannot hope to settle those problems for them. We have plenty of problems here at home. I hope that this committee and Congress will continue to focus on our own peace just as England, France, and Russia always focus on their own peace and their own problems. We are not equipped to play power politics by remote control. American idealists like Mr. Wilson, for instance, are not safe at European diplomatic poker tables. Even when England plays the balance-of-power game, it is strictly from motives of self-preservation. No Old World nation is out to make the world safe for anything; they leave that to naive idealists across the water.

I hope our Government will concentrate on our own national interest. I hope it will not gamble with the lives of our young men and the property of our citizens, in the very dubious effort to control the behavior of European states.

We can't assume that wishing not to fight will protect anybody from the explosives in the great powder magazine which Europe has become. All we can confidently predict is this: The effect of the next war will include some we can hardly imagine, because the weapons of that war are almost beyond our imagining. The civil war in Spain was not even a dress rehearsal.

The treaty which will end that war—if anybody is left with a hand steady enough to write a treaty—is still further beyond prediction. The idea that after that war Hitler will move on to world conquest strikes me as the wildest kind of hysterical guessing. A better guess is that Hitler will be dead or in exile, and all Europe too prostrate to think about further conquests for a generation.

For any nation to engage in war now for ideological reasons is a kind of ceremonial suicide. It is like the Chinese who hang themselves in protest against some public action. They have no assurance that the action will be changed, but they have every assurance that they themselves will be quite dead.

Into this cockpit we need not go, and there is no mercy which we can extend if we do go. We simply join, with the wooziest of motives, the suicide club. Mr. Chairman, I beg of you to let us vote before we join that club.

I happened to be in Texas during one of the recent international crises. People out there were interested, waited eagerly for news, but were not hot and bothered. Arriving back in New York, I encountered a totally different atmosphere, more hysterical, violent, frightened. Pretty soon I began to get frightened, too, and, with Dorothy Thompson, saw the end of the world coming next Friday morning. Texas people were not worrying about the end of the world, but about cotton, oil, and Maury Maverick. Washington, I found, is almost as jittery as New York. I suppose these jitters can poison Congressmen. They well-nigh poison me from time to time.

We need the calmer voice of the continent when a decision between life or death must be faced. America does not begin until one crosses the Appalachians. We are too close to Europe here on the

seaboard; too close to people who have just got off the boat and know exactly what Hitler is going to do; too close to "experts" who have guessed wrong on every move since Munich.

The plain people of America have a lot of sense. On these particular questions I would back them against the experts. Moreover, they have to pay the freight. It is their boys who would be mutilated.

We have already abandoned economic neutrality to some extent and apparently we are going to abandon it further. The clear sentiment of our President and of the people who favor these economic measures is to stop short of war. But it has been proved that if a war does occur in Europe, these very actions are extremely likely to lead us into it. That is why we need the safety device on this bill. If we are going to drive within inches of the edge of a precipice, we need a fence on the edge. This bill is such fence.

Senator HATCH. I suggest the fence should be built a little distance before you get to the edge. That would be much safer.

Mr. CHASE. That is right. I quite agree with that statement, Mr. Chairman.

Here we are, 130,000,000 of us, on the grandest slice of continent on earth. We have right under our feet almost everything we need to give the last family a decent standard of living. We do not need to go out and take anything because we have it here. We do not need to fight anybody unless they come and try to take away what we have. God help them if they do!

We have no territorial ambitions, no surplus population to be exported, no driving need for a place in the sun. We have no yearnings for military achievement, no traditional enemies, no revanche to appease. We do not need to go totalitarian. We do not need flags, swastikas, Klieg lights, goose-steppers at the salute, military mobilization, to show the world how strong we are. The world knows how strong we are.

We are fortunate above all others, and unified above all others. Therefore, in a sense we have civilization in our keeping. The responsibility is passing from the Old World to the New. We may not be worthy of it, but we are getting it by default.

Our destiny is here. I believe that the safest, soundest guardian of that destiny is the franchise of the people—all the people of this Republic.

That is all I have to say Mr. Chairman.

Senator HATCH. We are very glad to have had you here. Your views were very interesting and instructive, as they always are.

Mr. CHASE. Thank you, Senator.

STATEMENT OF HON. JERRY VOORHIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Senator HATCH. Representative Voorhis, the committee will be glad to hear you at this time.

Representative VOORHIS. Mr. Chairman, I have listened to what Mr. Chase had to say. Perhaps I can save you a good deal of time by saying amen. I did not hear him say anything that I did not agree with. However, there are just three or four points that I have in mind to which I should like briefly to refer.

In the first place, I think I have listened to or read most of the arguments against this measure, but I do not think anyone has answered the obvious fact that it is the people who have to pay the expense of war, and it would seem that a consideration of ordinary human decency and justice would require that they should be given the opportunity to say "yes" or "no" about it.

In the next place, I am of the opinion that many parts of the country have a bad case of national jitters. I am in favor of doing the thing that I think will tend to reduce that situation. I am concerned about some legislation that Congress may pass in this session, which I think in all probability has no sound, reasonable basis, but is merely the result of a sort of hysteria that seems to be sweeping many people off their feet.

I am rather convinced that the passage of this resolution would have the effect of calming those people down, making them feel that nobody is going to take their boys away from them, or get them out on a limb where they are necessarily committed to war without their having an opportunity to say something about it.

In the third place, I would like to reemphasize the point Mr. Chase made, which, to my mind, is perhaps the most fundamental of all, namely, that it is of primary interest to anybody who is really concerned about the future of democracy, about the solution of American economic problems, to penetrate into the future of the Nation in such a way as to present a fairly decent opportunity for the common man. It is basically important that we should give attention to our domestic problems, and history teaches the best way that can be done is by getting people to feel that there is an enemy some place to whom primary consideration must be given. I am not sure but what there is an enemy to democracy; I think there is; but I am fairly certain that to defeat that enemy is the best demonstration of what we can do with democracy.

I think a constructive solution would be improvement in foreign relations, in our domestic market, our decent relationship between money on the one hand and real service on the other. I believe that would constitute a better defense of democracy than anything I can conceive of on the field of battle. The United States is now in a position to make our contribution.

It is not Hitler's seizure of Czechoslovakia or some place like that, that causes him to be a danger to the United States. It is a belief, in my opinion, in the propaganda that is being spread around to the effect that the only way to stop him is by war.

Now, Mr. Chairman, in the fourth place, I believe for Congress to take favorable action on this resolution would be an example that would be very important. I am not so very naive about that, although I have been told that I am. I still believe that the people of the world in all nations, including Germany, are extremely afraid of war. I am not at all sure but that the spectacle of the United States providing such a referendum as this resolution proposes, whereby the people of the country themselves could vote on the question of war, would have a very salutary effect. Some day, I think, the people of the world are going to realize that, whereas perhaps there is an instinct to combat, there is also a more fundamental instinct for self-preservation, and the day will come when people are going to hesitate about entering into combat, if they do not want to go over the brink.

Several objections have been raised that I would like to discuss very briefly. In the first place, it is said that we could not meet emergencies. I do not think that holds water. At present we cannot declare war without Congress is in session and passes a resolution. I do not believe anybody honestly thinks that the commander of an American battleship in the Far East or some far-distant place would refuse to defend himself against sudden attack until Congress had declared war. We now have an armed force. The Executive now has an armed force sufficient to meet any emergency, and would have the same opportunity were this resolution adopted.

The argument regarding the Western Hemisphere falls to the ground. The resolution includes the Western Hemisphere.

Senator MILLER. How does it include the Western Hemisphere?

Representative VOORHIS. It does not apply in the case of countries in the Western Hemisphere.

Senator MILLER. I did not clearly understand what you said.

Representative VOORHIS. Some people say that the adoption of this resolution will not keep us out of war. I agree with that. I do not think this resolution would provide to an absolute certainty that we would not become involved in war, and I think it is a very dangerous position to take to say that it would.

Senator HATCH. I am afraid that idea is growing.

Representative VOORHIS. Which idea?

Senator HATCH. That the adoption of this resolution would be an absolute preventive of war. I would like to see the sponsors of the resolution, like yourself, continue to make the point clear that it will not have that effect.

Representative VOORHIS. I think that is very important. We know the power of propaganda. The people can be stirred up as well as Members of Congress; perhaps more easily. At any rate, we know that power is exercised in times of economic distress. I would not put all my eggs into that one basket, but I do feel that it would be a help in all probability.

Another argument is that you would have an inevitable barrage of conflicting propaganda which would serve to confuse the people. I think you have that now, and I do not think it can be increased materially. I think Mr. Chase pointed out two or three aspects of it. It is not necessary to enlarge upon them. We know we have pressure groups on both sides right now, working as hard as they can. For those of us who are sincerely concerned about the welfare of our own Nation and our democracy, in the sense I spoke about a while ago, I think it is important that we pursue an independent course in all these matters and do not permit ourselves to be swayed by this propaganda or be too much afraid of it. I am tremendously impressed by the depth of the feeling on the part of the people on this question, the earnestness with which I hear from them. The one most important thing to them is for the Congress to keep America out of war.

Senator MILLER. It seems to me that this resolution calls for action by two different groups—first, by the Congress, and then by the people. In the meantime, it gives the conditions time to adjust themselves and for the force of propaganda to be lost. At least, that would be one effect, and the other might be that that would be augmented. It would require some time for the submission of the ques-

tion to the people and the action by the people on it. I think that is a safety valve.

Representative VOORHIS. Yes.

Senator WILEY. Here is another idea that has been suggested by this exchange of thought. Probably the resolution is not clear enough on the subject. It occurs to me that if the people should vote for war, that would be a mandate for war. Originally, the idea was that we would not go to war without Congress saying so. Why should not the resolution be so changed that, even with the mandate of the people, it would not necessarily mean war unless Congress then declared war?

Representative VOORHIS. Is not that the intent of the resolution?

Senator WILEY. No. What do you think of that, Mr. Chase?

Mr. CHASE. I think it is a good idea.

Representative VOORHIS. So do I.

Senator WILEY. You spoke about the people being influenced by propaganda. I think the resolution should be changed to provide that, even though the people voted for a war, there could be no war until we had a declaration of war by the Congress. If we had such a provision as that, it would mean there would be no war unless and until Congress confirmed the vote by its declaration. It seems to me that would be a double check on the situation that would be very valuable.

Representative VOORHIS. I should think it would take a constitutional amendment to take away the right of Congress to declare war.

Senator WILEY. That is what this would do. This is a constitutional amendment?

Representative VOORHIS. I mean in addition to what this may do. What you say is entirely agreeable to me. I agree with you. I think that Congress should take action.

Senator WILEY. Listen to this language. This is what the resolution says:

Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

That is very clear.

Representative VOORHIS. I should prefer it to provide that Congress may not declare war unless there is a national referendum.

Senator WILEY. I wanted to get your reaction, and I was glad to get the reaction of Mr. Chase. We are here as servants of the people, trying to do that which should be done in the interest of the people. I like your statement that the adoption of this resolution would be a notice to the people of the world that the people of America will not be involved in a war until they have first had a chance to vote on it. That is what this means I think that that would make a favorable impression upon the people generally throughout the world. That is what we are working for, but I believe the change I suggested would improve the resolution. I am glad that you agree with that, and apparently Mr. Chase agrees with it. I will propose it at the proper time.

Senator HATCH. Mr. Voorhis, I think one of the first witnesses, Mr. Morris Ernst, suggested that the act of Congress in submitting the referendum would constitute an expression of the will of Congress that it was necessary to declare war; that there could not be a referendum unless Congress itself had concluded and definitely determined that it was time to declare war. He expressed the view that it constituted a sharing of responsibility between the Congress and the people. Whether the resolution is subject to that interpretation or not, I think it is clear it is subject to the interpretation Senator Wiley has just stated. We will have to work that out in committee.

Senator WILEY. Even if that were true, we could conceive of some things that might happen. I cannot see it that way. It seems to me that, in the minds of Congress, it is a debatable question, and must be submitted to the people. Even after that I would like to see this other check. That is what the fathers had in mind, that we should exercise the judgment God Almighty ordained us with. At any rate, if it does no good, it certainly will do no harm.

Do you see any harm in it, Mr. Chase?

Mr. CHASE. No.

Senator HATCH. The first step under Senator Wiley's theory would be that Congress would submit a referendum vote on the question. That would be a determination at that time on the part of Congress that there was a necessity to engage in war. The vote of the people would be a second step, confirming that and voting for a declaration of war. Then if a step were required, after the first two had been taken, the people merely expressing their views, the final declaration after the vote would still rest with Congress and would give the opportunity, if there had been a change of conditions in the meantime, for Congress to determine that it was not necessary to declare war. I think, without question, as the resolution now reads, if the people vote in favor of war, that would be a declaration of war, and there would be nothing else Congress could do about it except to get ready with the necessary legislation.

Senator MILLER. I think that there is no doubt about that construction of the present resolution; but if you amend the resolution so as to require this third step, then the Congress would be very likely to refer any question within the purview of the resolution to the people, and we might have an election every 30 days on the question of war. I do not want to get too far out on a limb without serious consideration.

Senator WILEY. I cannot see that. This Government is not a democracy; it is a republic. When it was originated, under the theory of the compromise built into our Constitution, the power to declare war was lodged in the Congress. Now, we say we are going to amend that, so that, if and when in the mind of Congress there is a debatable question as to whether we should engage in war, it will be submitted to the people for their determination. But if the people declare there should be war, then we are going to reserve the right to say again, being a republic, that nevertheless Congress shall have the final right to declare war.

Senator HATCH. The discussion is very interesting, but there are several witnesses yet to be heard. Suppose we wait until we get in executive session.

STATEMENT OF HON. BERNARD J. GEHRMANN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Senator HATCH. We will be glad to hear from Representative Gehrman at this time.

Representative GEHRMANN. I appear before your committee in favor of the several joint resolutions that have been introduced in both the Senate and the House proposing a constitutional amendment that would permit the people of the United States to vote on the question of entering a foreign war.

A great deal of misinformation and misrepresentation has been handed out to the people by various methods; namely, word of mouth, press, and radio. These resolutions do not in any way provide that in every instance would the people have to vote on whether or not we entered what might be termed a "foreign" war. It would only apply in cases similar to the World War of 1917, when our Government involved this country to such an extent that Congress finally declared war on Germany and its allies.

This proposition is based upon faith in the democratic process. It presents the issue of permitting the voice of the people to register its will on the question of life or death for millions.

I want to emphasize that this resolution is so drawn as to leave with the Congress the right to declare war in any case where invasion of this country, this hemisphere, or our possessions, is involved. This means that Congress could only submit a question of war to the voters where an offensive war on foreign soil was contemplated.

Therefore, I hope that this committee considering this proposal will not be influenced by the propaganda in opposition to these resolutions, much of which is absurd and certainly not based on facts.

There is nothing in the pending proposal which will cripple any President in his conduct of our foreign policy so long as that policy is not to be implemented in the end by involving this Nation in an offensive war overseas.

If nothing is being done or urged upon Congress which will lead to our involvement in foreign war then it cannot be logically maintained that this joint resolution cripples the administration's foreign policy in any way.

One of my campaign pledges in 1936 was that I favored a war referendum. Again in 1938 I advocated the resurrection of the Ludlow resolution that was defeated during the Seventy-fifth Congress and I have yet to find any extensive group in my district to openly oppose this proposition.

I recently made a radio talk on the possibility of the United States becoming embroiled in foreign entanglements that would eventually lead to another world war and advocated support for the resolution your committee is now considering. I have been swamped ever since then with letters commending me for my stand. I have not received one single letter opposing this proposition. This radio talk was broadcast over three different Wisconsin stations and copies of my speech were distributed to people all over my district. Therefore, I feel very confident that the large majority of the people in my district very strongly favor this proposition; namely, to allow the people who will have to do the fighting, the dying, and the paying for any foreign war to vote on it before we plunge this country into

another war thousands of miles away from which we could not gr anything as a nation.

I hope that Congress will be permitted to vote on this during this session, because I am anxious to carry out the mandate of the people in my district by voting for these resolutions.

STATEMENT OF HON. FRED J. SISSON, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Senator HATCH. The next witness is Mr. Sisson, a former Member of the House. You may proceed.

Mr. Sisson. Mr. Chairman and gentlemen of the committee, I am here this morning to testify in support of the joint resolution proposing an amendment to the Constitution of the United States to provide for a referendum on war. I was very happy to hear the testimony of Mr. Chase, although Mr. Chase has taken, or rather, appropriated some of the thunder that I intended to use.

Senator HATCH. He got here first.

Mr. Sisson. I was scheduled to appear before him, but I am glad to have been able to be here and to hear him. One of the authorities upon which I rely is Mr. Chase's recent book entitled "The New Western Frontier."

Senator HATCH. That was the book from which he took the tables he placed in the record.

Mr. Sisson. Yes. I was very glad also to hear Mr. Voorhis.

I might make the further comment on the testimony that has already been given this morning that I found nothing in what Mr. Chase said with which I could not heartily agree. I would like also to comment upon the testimony of Mr. Voorhis, and to say I also found nothing he said with which I could disagree.

Incidentally, I was requested to testify before your committee by the National Council for the Prevention of War. I was also invited to testify by Representative Ludlow, who introduced a similar or companion resolution in the House.

Now, to remove any misconception of my position, be that important or unimportant, either past or present, on this or any other allied question, I would like to say that during the 4 years I served in the House, or perhaps I should say during the last year of that service when Representative Ludlow's resolution was before the House, somewhat similar to this, I did not support the Ludlow resolution. I was, however, during all that time, ever since the question came before the Congress, an advocate of mandatory neutrality legislation.

Recent events have strengthened the conviction that I then held that mandatory neutrality legislation is of the greatest importance to the American people to help them in their practically unanimous desire to keep this country out of war. And when I say "recent events," I refer not only to the situation in Europe and in the Far East but also to recent events in the United States.

Senator HATCH. I think that is more important than a war referendum. In my opinion, strict neutrality is the only thing. I do not think that a referendum would necessarily avoid war without strict neutrality.

Mr. Sisson. I am glad to be able to concur, if I may do so, in the judgment of the chair.

Senator HATCH. I think that is the only way out.

Mr. Sisson. However, I think that I was somewhat mistaken in the view I then held in respect to this referendum. I thought at the time, to be frank about it, that it might be called a broken reed. I believe now, while I admit this is not complete insurance or a cure-all for the prevention of war, it will not do any harm. I believe it would have a psychological effect that would be of great value.

Senator HATCH. I agree with nearly everything the witnesses have said this morning, but I cannot help but believe this is a broken reed, and when you rely on a broken reed you are placing yourself in a precarious position.

Mr. Sisson. I believe that.

Senator HATCH. Other things are so much more important.

Mr. Sisson. It seems to me that strict neutrality, mandatory neutrality legislation, to which you refer, would also be of a great deal of value.

Senator WILEY. What do you mean by "strict neutrality legislation"? I would like to have you give a few minutes to that.

Mr. Sisson. I am going to speak directly upon that point.

Senator HATCH. May I interrupt you, Senator Wiley?

Senator WILEY. Certainly.

Senator HATCH. I am always interested in discussions between Senators, and I do not like to interrupt you. I do not know what you mean by mandatory neutrality, but I believe the plain fundamental principle of strict neutrality that has been built up in 500 years can keep us out of war.

Senator WILEY. International law?

Senator HATCH. Yes.

Senator WILEY. I am still in doubt as to just what strict neutrality means.

Mr. Sisson. I think it means that our foreign policy should be minding our own business.

Senator HATCH. That is strict neutrality.

Senator WILEY. That is a generality again.

Senator HATCH. The principles of neutrality are not generalities.

Senator WILEY. You are talking about international law, in the first place; but when you talk about minding your own business, that is quite a different thing.

Mr. Sisson. I am not an authority on international law. I am a lawyer engaged in the practice of law. When I was in Congress I was merely a country Congressman.

It should not be necessary for me to say that I intend no reflection upon the character, either of the present Executive or of any other President of the United States in the past. And, of course, it is needless to say that I intend no criticism or distrust of Congress, a body of which for two terms I was privileged to be a Member, and of which I might probably still be a Member if I had had the foresight to be born or to locate in a district which was not so overwhelmingly Republican as is rural up-State New York. However, the voters of my district did not retire me because of my support of peace legislation when I was in Congress, but rather for the reason that even my friends among the Republican farmers felt that I had been too zealous to suit them in my support of the President as a

leader and of the so-called Roosevelt policies. As Mr. Roosevelt himself, when running for President in 1932, failed by somewhat over 7,000 votes to carry my congressional district against Mr. Hoover at the time when I was first elected and as Mr. Roosevelt fell short by a much larger margin of carrying the same district in 1936 against Mr. Landon when I was running for my third term, I was unable longer to survive politically and since then have retired to private life.

I mention these preliminary facts only to show that my testimony this morning indicates no change of front on my part. I was a supporter of the President's policy in our internal affairs when I was in Congress and I am still in private life a supporter of those same policies.

I was not in agreement with all of Mr. Roosevelt's foreign policies—so far as they were known—when I was in Congress. I am just as strongly opposed to some of his policies in our external affairs now that I am out of Congress as well as to his views regarding the question as to where the power under the Constitution is lodged to formulate the foreign policy of this Government, whether in the President or in the Congress. I am just as strongly opposed but no more than when I was in Congress to the lodgment of the power in any one man to lead the country into war or to involve the Government in another world war. Certain statements made to me and to other members of Congress by the President as early as August 1935, the expression of the President's views regarding his power to formulate foreign policy, his claim of sole control of our external affairs as compared with the power of Congress to formulate foreign policy and to furnish to the President guides and standards for the regulation and control of our external affairs, certain expressions and acts of the President in recent months, the secrecy and air of mystery with which his direction of our external affairs have been cloaked—all this taken together has confirmed my opinion that for the security of our people against the involvement of this Government in another world war, we need every possible safeguard, not only when we have either a strong or ambitious President in the White House, but also, as history has shown, when we have a President in the White House who may not be strong enough to resist the influence of those interested in or who hope to profit by war and by the rumors of war.

I think we all understand, and this committee needs no instruction from me, the power of Congress to establish certain standards and guides in the formulation of policies for the Executive to carry out. I am for this resolution because I think we need every possible safeguard to keep out of war. I think the term "neutrality" is a misnomer. I prefer to call it legislation to keep this country out of war.

Now, I am not assuming it as a premise upon which my argument depends that we are ever again likely to have a President who will deliberately and consciously choose to get this country into war merely to gratify or serve his own personal ambition or to secure his reelection. There have been instances in our history when, in my opinion—notably for example the Mexican War—where the President apparently deliberately chose to lead the country into a

foreign war, or, as in the Spanish-American War, where the President permitted other officials of the Government and certain selfish interests involve the country in a foreign war. I prefer to believe, but I am not adopting it as a premise upon which my argument depends, that these instances will not be repeated. I prefer to believe, at least to hope, that we shall not again have such a President. Most men, however, even the strong and sincere in purpose, do things from mixed motives. Most of us also are at times victims of wishful thinking. As Caesar said in his Commentaries on the Gallic Wars, "Men believe that most readily which they wish to believe."

Caesar and Napoleon, Hitler and Mussolini, are not the only characters in history who have believed themselves wiser and better able to decide for the people, whose destinies and happiness are under their control, what is best for the people rather than to allow the people to decide for themselves. And through this kind of reasoning on the part of their rulers and leaders countless thousands of people have been caused untold and needless suffering.

Very early in our national history a great President of the United States, wisely foreseeing the danger of involving our affairs with the affairs of Europe, upon retiring from the Presidency laid down certain rules and principles for steering the course of the then weak and infant Republic away from the rocks and shoals of foreign war and sought to warn the future leaders of our people against attempting to match their inexperience with the wiles and craft of foreign diplomats, whether of England, or of France, or any other European country. George Washington, most fortunately for the future of the Republic and for the survival of democratic institutions in their then practically defenseless dwelling place, had no ambition to serve as President for a third term. He, probably alone of all our Presidents, could have served for a third term as President without great opposition, had he chosen to do so, but he turned down the opportunity.

Senator HATCH. Is it not true that during his administration his wisdom and good judgment, aided by the Congress, prevented our entering into a foreign war when the people were clamoring to go to the aid of France?

Mr. Sisson. Exactly. That is my interpretation of the history of that period.

Mr. Chairman, another great President, some men would say the greatest of all our statesmen, likewise in the early days of our Republic when its survival as a sovereign independent nation was still at stake, again most fortunately for the future of democracy in the world, had so little desire for playing the role of a savior of the world, or of a hero, that he deliberately chose to take upon himself and bear the obloquy and hatred of those whose business interests were at stake and whose profits were interrupted, to recommend to Congress the laying of an embargo on our foreign commerce, because he believed that even that price, costly as it was, involving even as it did the temporary loss of our foreign trade, even though it seriously affected the profits of eastern shipbuilders and exporters, was still not so costly as would be the suffering of the greater number of our people through our involvement in a foreign war, and very likely the destruction of our Republic.

Historical parallels are, it is true, frequently misleading, and neither of those situations is entirely similar or analogous to our present situation, or, it may be to any situation we shall have in the future. I believe, however, that they are worth remembering by the American people and that properly applied they furnish us some guidance.

Senator HATCH. On the question of neutrality, the sympathies of Thomas Jefferson were all with France and the sympathies of Alexander Hamilton were all with England, but notwithstanding that both men maintained neutrality.

Mr. Sisson. That again is in accordance with my interpretation of the history of that period.

Perhaps Jefferson unlike Washington could not have been chosen for a third term as President had he so desired. But at any rate, to his eternal credit, he chose a role which would have made his reelection for a third term in 1808 very difficult if not impossible; and, also to his eternal credit, he, like Washington, thought it best to attempt to establish the precedent for the future that no man, no matter how wise, how great and strong, should serve for more than two terms in the great office of President.

I feel very much complimented that the chairman of the committee, for whom I have great admiration, has jumped ahead of me and anticipated the witness.

Senator HATCH. I am sorry that I did that.

Mr. Sisson. I am not at all sorry. It will shorten my discussion somewhat.

I have cited two instances where great and strong Presidents, George Washington and Thomas Jefferson, exerted the power vested in them, both under the Constitution and also through their strong characters, to keep us out of war, and succeeded in so doing. But there have also been several instances in our history where Presidents have failed to keep us out of war.

Jefferson's successor, James Madison, some historians of that period say, deliberately led this country into the War of 1812. Personally, I do not quite accept that conclusion. I have great admiration for the splendid services of Madison in building the framework of our Government; I have great respect for his pure character; but in my humble opinion his motives were not so clearly unmixd and devoid of self-interest as those of either Washington or Jefferson. At any rate, he either was unable to or did not choose to stand against the clamor of certain interests and certain sections who wanted war with England. There was a war party in Congress at that time, it is true, led by Henry Clay, and through the fault perhaps of both President and Congress this country went to war in 1812, a war which settled nothing and gained us nothing—a useless and unnecessary war—a war which might have been avoided by the exercise of foresight and restraint on the part of our leaders, as in fact might all of our foreign wars. I said "foreign" wars. Of course, I do not include the war of the American Revolution or the War between the States, from which perhaps no leadership could have saved us.

Unwise or weak leadership on the part of our Chief Executive coupled with rashness and ignorance of the facts involved, coupled also with some deliberate plotting on the part of certain officials of

the Government, led this Government into provoking the war with Spain in 1898. This again was a war that was unnecessary and unjustifiable, a war which might easily have been avoided. Spain was doing everything possible to satisfy our Government. Not only this, it was a war which involved us in problems and troubles lasting even to this day and very possibly furnishing the seeds of future wars, even now furnishing the excuse to those who have taken upon themselves the function of formulating our foreign policy. I am referring now to certain of our admirals, the self-appointed framers of our foreign policies who, it seems to me, sometimes promote measures that are provocative to other countries, that cause other countries to misunderstand our purposes and that may unnecessarily involve us in another foreign war.

I have cited one instance where a President of the United States, Thomas Jefferson, almost single handed, kept us out of war. There was no danger that Jefferson or that a President like him would ever get us into war; but we cannot be sure always that we shall have a Jefferson in the White House.

I have cited three instances where other Presidents either led us into war, more or less deliberately, or weakly permitted bunglers or plotters to get us into war. And in each of these last three instances it was the President, or the President and the State Department, or as in the instance of the Spanish-American War, the President and an official of the Navy Department that involved us in war, probably against the will of the people of the United States, certainly against the interests of the people of the United States.

In none of these last three instances was the Congress at fault.

I think we may agree upon it as a premise that each one of these wars was useless, unnecessary, and might have been easily avoided by the exercise either of real statesmanship on the part of the leaders of the American people, or by the dissemination of correct information regarding the facts involved.

Would such an amendment to the National Constitution as is here proposed have saved the country from these three wars? One of these wars, the War of 1812, while useless and unnecessary, was, perhaps, provoked to some extent by stupidity on the part of England's ministers and Government. One of these, the Mexican War, was entirely unjustified on our part and was carried on under the leadership of President Polk as a war of aggression and conquest. Such an amendment as is here proposed might have helped to keep us out of that useless war. One of these, the Spanish-American War, was the result of stupid and silly decisions and acts on the part of our Government—a comic-opera war—partly the result of plotting and of the personal ambitions of high officials of our Government whose influence, however, a less strong President was unable successfully to oppose.

I think it is at least fair argument to say that a cooling-off period, the time required to take a popular vote, the time that will be required if this proposition for referendum had been in effect, given the further condition of the secret ballot, might quite likely have prevented any or perhaps all of these three wars.

I believe that a referendum such as here proposed, construed as the chairman and other members of the committee have construed it,

possibly coupled with such a provision as Senator Wiley has suggested, combined with the secret ballot, would furnish such a cooling-off period, would have furnished such an opportunity for making known the facts to the people as might have changed the clamor that we should get into that war.

In the case of the last World War I am not sure at all that the provision for a provision for a popular referendum would have saved us from involvement in that terrible holocaust. In fact, I doubt that the referendum would have saved us in that instance. I am trying to look at the matter of the possible involvement of this Government in a foreign war, whether arising in Europe or in the Far East, and of the safeguards and preventives which may be adopted to avoid it, cold bloodedly, and to keep my mind so far as possible free from emotion.

I suppose that is the way this committee is studying the matter. I hope that is the way Congress will look at the matter. I would rather trust to Congress than to trust to any one man alone, whether the present occupant of the White House or any other President in the future, the power to keep this country free from involvement in the next world war. It is my opinion, formed and to some extent modified from the opinion I held in 1935 and 1936, that the amendment here proposed will afford our people another safeguard against war in addition to the provisions in the Constitution vesting the power to declare war in Congress.

It is my conclusion, from a study of our history on this subject, and I am speaking now of the past and with all respect for any of the Presidents to whom this might apply, that Congress on this particular question has made less costly mistakes than several of our Presidents. We all believe in representative government, and believe in the responsibility of Congress in passing upon the wisdom and the necessity of legislation. Not all things can be settled by a referendum. In a good many instances it is impracticable. Congress cannot shirk its responsibility.

I was very glad to hear the construction placed upon this resolution by the chairman and by Senator Wiley, and I believe concurred in by Senator Miller.

Senator HATCH. I am not so sure of that.

Senator WILEY. He did not concur in that.

Mr. Sisson. He concurred in the construction, I believe.

Senator HATCH. Yes.

Mr. Sisson. I believe this resolution will be of some value in keeping us out of war. It could not possibly do any harm.

Now, of course, we all believe that the President is the spokesman of the Government and the people in the administration of our foreign affairs. I believe, however, that such administration should not remain hidden from Congress. Before a foreign policy is adopted that may lead us into war, it should be made known by the President or the State Department or any other executive department involved to the Congress.

It was our war trade with the Allies and the interference with that trade, coupled with British propaganda, that sucked us into the last World War. I admire the character and the purposes of President Wilson. I was a believer in and an advocate of the doctrine of col-

lective security for promoting justice and securing international peace; I believed in the League of Nations as an instrument for that purpose: but the question is whether we are going to learn anything from the last World War, whether we are going to salvage anything out of our experience in that war. It is needless for me to recount the price that we paid for our involvement in the World War. What did we gain for that price?

I resent being called an isolationist, as people generally have used that term. As I have already stated, when the question of going into the League of Nations was before the people, I advocated the means of collective security and the plan proposed by President Wilson. But that is in the past, that is now beside the point, and I do not think it profitable to engage in a discussion of the merits or practicability of the League of Nations now.

Senator BORAH. I understood you to say something about a change in position on the part of some isolationists. I do not understand what you mean by that.

Mr. Sisson. I am not referring to any Member of the Senate or of the House. I mean that now there are people who are active in the matter, referring to those who have appeared before the House Committee on Foreign Affairs, who have referred to some of us as isolationists because we fear we are again going to be deceived by British propaganda, and because we fear that we may be sucked into another foreign war as we were sucked into the last war—they refer to us now as isolationists, but many of them have changed their front. I claim that they are not realistic, as we are. The League of Nations, except as a humanitarian institution, no longer exercises any power and influence to prevent war.

Senator BORAH. If it ever did.

Mr. Sisson. If it ever did.

As I have said, Mr. Chase has appropriated a good deal of my thunder. I had adopted certain facts and figures from the book of which he spoke this morning.

Mr. Chairman, I have nearly finished. I said awhile ago that recent events have confirmed the opinion that I held when I was a Member of Congress, that strict mandatory neutrality legislation is essential to the preservation of our peace and our security as a nation against war; such events have also forced me to a conclusion more recently formed that in the present state of the world we cannot rely upon collective security. We cannot afford to adopt any policy which will force us to increase our trade in time of war with Great Britain and France or with any other combination of European powers in time of war and, thereby force us through the building up of the powerful interest created by such war trade to become dependent upon the continuance of war, as we did during the period from 1914 to 1917. The pull of my own blood makes me wish to see the so-called democracies in Europe succeed in their effort to stop Hitler, but the issue is not so simple as that. It is not simply a contest between the democracies and the totalitarian states in Europe; it is to an even greater extent a contest between the "Haves" and "Have Nots." It is a desperate attempt on the part of the nations who want to preserve the status quo and who would like to inveigle us again to join with them in doing it. I appreciate that this part of my statement is somewhat more relevant to the consideration

of neutrality legislation than of this resolution; the two things are, however, more closely connected than at first appears.

Mr. Chairman, I am against Hitler, as most of us are. I am in favor of stopping Hitler, as most of us are. I am in favor of it if it can be done, and I think that it can be done.

Senator BORAH. Are you in favor of this country stopping Hitler?

Mr. Sisson. No; neither directly nor indirectly.

I am not in favor of again pulling the chestnuts out of the fire for Great Britain. Hitler is, after all, only an effect and not an effect. Hitler would not have to be stopped if Britain and France had made and kept the kind of peace that Wilson wanted and believed they would make and keep. If it had not been Hitler, it would have been some other leader. If you read history, if you read even Tolstoy's War and Peace, Hitler, you will see, is only a phenomenon bred by the wrongs of the German people. Hitler is not the cause of the situation existing in Germany. If it had not been Hitler, it would have been someone else. It is the repression of the German people; it is the unbearable burden of reparations that was thrown upon them; it is the fact that no assistance was given by the other powers of Europe to the Weimar Republic to preserve the feeble beginnings of democracy in Germany. That is the cause of Hitlerism. It is because the spark of democracy in Germany was allowed to become extinguished, so that inevitably and naturally the German people, encircled and oppressed, left without hope, welcomed Hitler as the first savior that appeared.

If I were a Member of Congress, I would not vote to send a single American boy over there, nor would I vote that we should become involved in war trade. I do not believe in giving to any man the power to single and select the aggressor nation. There I am again, as I say, consistent. That was my belief when I was a Member of the House of Representatives. I believe in strict mandatory neutrality legislation, reserving certain necessary powers in the Congress.

In his book, *Half Way With Roosevelt*, Mr. Ernest Lindley has a chapter which contains a striking parallel. I am very glad to cite Mr. Lindley as an authority, not only because I regard him as one of the ablest newspaper columnists and one of the keenest and most impartial of the students of international conditions, but also because, like myself, he is an ardent supporter of the New Deal and of this administration; in fact, he is one of the closest friends among the newspapermen of President Roosevelt.

A significant thing about Mr. Lindley's book is that it was published nearly 3 years ago, in 1936, and was intended by Mr. Lindley as a campaign textbook for the use of the supporters of Mr. Roosevelt and the New Deal in the 1936 campaign. The chapter in that book to which I call your attention is entitled "Can We Keep Out of War?" I would like to include the reference to that chapter in the record as one of the citations of my authority. In this book generally Mr. Lindley is supporting the New Deal domestic policies. However, in the chapter "Can We Keep Out of War," Mr. Lindley says that the gravest question concerning Roosevelt "is whether or not he will follow the tragic course of Woodrow Wilson."

In this chapter Mr. Lindley draws a striking parallel between the situation as it existed from 1914 to 1917 and particularly in 1916 with the situation as it existed in 1936, and he almost takes the role of a

prophet in predicting the conditions that now exist in the present misconception of our duty to the rest of the world as we find it in 1939. Of course, he draws the conclusion of which I have already spoken, the conclusion which has been drawn by many others, that what brought us into the World War was our war trade with the Allies and the interference with that trade.

If I may be pardoned a personal reference, which will take only a minute—and I hope the committee will not feel that I am speaking of it because I had some part in it—in the closing days of 1935 session of Congress a group of nine Members of the House of Representatives went down to the White House to urge the President to use his influence to the end that neutrality legislation then pending be passed at that session of the Congress. The President was far from enthusiastic about recommending such neutrality legislation. I was one of that group of nine. I believe there are only two men now remaining in Congress who were members of that delegation of nine. One is Senator Tobey, of New Hampshire, and the other is Representative Ludlow, the sponsor of a resolution similar to the one before your committee that is now pending in the House. I think there is nothing unethical in speaking about this. It is very pertinent to the question before this committee.

The President said in substance at that conference with us that he did not believe that the Nye-Clark resolution then pending before the Senate could be passed during that session. It was then late in August, within a few days of the end of the long 1935 session. We told him that it could be passed. He said that there was no legislation pending in the House which had been studied by the House Committee on Foreign Affairs. We told him that Mr. Kloeb, of Ohio, a member of the delegation and a member of the House Committee on Foreign Affairs, had introduced a resolution some months before. Mr. Kloeb felt rather strongly about it, because it seemed to us to be quite conservative and carefully prepared, but it had not been considered by the committee and was apparently being stifled because of what was said to be pressure from the administration, perhaps through the State Department.

When we called his attention to that resolution, then he said the Nye-Clark resolution—and that was no doubt his honest opinion about it—could not possibly be passed at that session of Congress. We told him we thought it could.

Incidentally, Mr. Chairman, that delegation which has been referred to in a number of magazine articles, was not a delegation of Democrats as such. There were six Democrats on it and two Republicans, Senator Tobey and former Governor Christiansen, of Minnesota, and one Progressive, Mr. Sauthoff, of Wisconsin.

The six Democrats were all loyal supporters of the President, like myself. They were not chosen because of that, but because they represented a much larger group, and were intended to be a cross-section of the group favoring mandatory neutrality legislation by the Congress.

Strangely enough, Mr. Chairman, the Nye-Clark resolution, which the President said could not be passed at that session of Congress, was passed on the very same day that we went to the White House, and

was passed by the Senate, as I recall, without a record vote. If I am wrong about that Senator Borah will correct me. It was passed before most of us had time to get back to our offices.

In speaking of recent events, there have been a good many of them, as Mr. Chase said in his very admirable statement. I wish I could come within 10 percent of doing as much for the cause that I believe in as he is doing. I have something in common with him, because I believe in his book, *The New Western Front*. Like Mr. Chase, I am a father, except that I have two sons. I go him one better. One is 23 years old, one is 19, and they are both physically fit and could not escape going to war. I am for this resolution, Mr. Chairman, because I want all the safeguards to keep us out of war that can possibly be adopted.

There were some statements made by the President—and I am a loyal supporter of his—on that occasion with reference to the power on his part not only to formulate foreign policies, but also to keep us out of war, with which I cannot agree. Mr. Roosevelt's statements at that time constitute one of the reasons why I favor this resolution.

Senator WILEY. That was in the conference to which you referred in 1935.

Mr. Sisson. Yes. I have taken more time than I expected to. That is all I wish to say.

Senator HATCH. We are very glad to have had you with us. You have contributed very much to the subject.

Mr. Sisson. I assume that the witnesses will have the privilege of revising and extending their remarks.

Senator HATCH. Yes.

Mr. Sisson. May I include some figures relative to the special mandatory neutrality legislation and our export trade with China and Japan?

Senator HATCH. That permission will be granted.

STATEMENT OF BENJAMIN C. MARSH, EXECUTIVE SECRETARY OF THE PEOPLE'S LOBBY, WASHINGTON, D. C.

Senator HATCH. State your name and occupation for the record.

Mr. MARSH. Benjamin C. Marsh, executive secretary of the People's Lobby in Washington.

Senator HATCH. You may proceed.

Mr. MARSH. Before I begin my statement, I wonder if the committee would like to look at some material which I saw in the French Ministry of Colonies in Paris this last summer and obtained in that city. Here is a map showing the area of Europe, superimposed on Africa, indicating the area that great democracy, France, owns and controls in Africa. This is the area in Africa with Europe superimposed upon it. This white area is the French possessions in Africa, and the black is Africa. France and Britain control together most of Africa.

Senator BORAH. How much area has France in Africa?

Mr. MARSH. I will have to look it up. I will do that and put it in the record.

Senator BORAH. How much population?

Mr. MARSH. About 112,000,000 in the French Empire, counting their possessions.

Senator BORAH. How much population have they in Africa?

Mr. MARSH. I think it is about 40,000,000.

Senator BORAH. We would like to have the population and the area controlled by France.

Mr. MARSH. Could you get the official translator for the Senate to translate this, so we will have the whole history.

Senator BORAH. I have no official translator.

Mr. MARSH. Does not the Senate have an official translator?

Senator BORAH. Not that I know of.

Mr. MARSH. The British slogan is that the sun never sets on British possessions. In France, as this issue shows, the slogan is, "The sun never sets on our Empire." This shows what the French Empire is. I will get those figures and put them in.

Senator BORAH. That will not do us any good unless you can break it down and give us the population and area in the record.

Mr. MARSH. I will be glad to do that.

(The matter referred to is as follows:)

[Excerpts from article in *Le Monde Colonial Illustré* (Paris), May 1938]

FRENCH CONTINENTAL AFRICA IS LARGER THAN EUROPE

"With its 10.5 million kilometers (8 kilometers is roughly 5 miles) French Continental Africa is nearly double the area of Europe, 5.4 million square kilometers, excluding Russia in Europe, and a little more than the total, including Russia," which is 10,221,000 square kilometers.

"The population of French Continental Africa, 37,000,000, is over three-quarters that of France (41,900,000). This is larger than the population of Poland.

"The population of French Continental Africa and of France (79,000,000) is larger than that of Germany, after the Anschluss (78,000,000)."

Senator WILEY. Whom do you represent?

Mr. MARSH. The People's Lobby. Incidentally, I have been here 21 years.

Senator WILEY. Who are the People's Lobby?

Mr. MARSH. We are an incorporated organization, working for a program of legislation. We have a small membership of about 2,200 and about 800 additional subscribers to our bulletin. John Dewey is honorary president and Bishop Francis J. McConnell is president.

I would like to read a brief list of reasons why we support the principles of this resolution for a referendum on war, and then I am going to quote some publications, including two British publications which I got this week.

1. It is of the essence of democracy because it permits registration of the popular will on a specific issue, while in voting for an individual many issues and conflicts are involved. Farmers vote on crop control and labor on the union to represent them, the war referendum merely extends this principle.

2. Such determination will give vast encouragement to the genuine and widespread democratic spirit in all nations, no less in Germany, Italy, and Japan, than in France and Britain.

The last point has been referred to, but I will not complain about anybody stealing my thunder, because I can generate thunder as I go along, if necessary.

Let me state that nine times since 1929 I have been in Europe. This last summer, a year ago, I talked in Geneva and Paris and London with people from all over Europe. I asked this question: "Do you think 10 years from now the world will be better off if America keeps out of these foreign entanglements and particularly any war in Europe?" They were not Americans. They were representing their own country. With one or two exceptions, after saying "We would like to have you come in with us," they admitted that probably the world would be better off if America stayed out. They would lose their jobs if I quoted them by name, and I will not do so.

3. A real argument which would induce a Member of Congress to vote for a declaration of war would be no less effective on the people who vote.

I am inclined to agree with Senator Wiley's suggestion that there might be a double check. If the people should vote for war, then Congress might find that war was not necessary and would vote against a declaration of war. When you are talking about committing suicide, I believe that such safety measures are conducive to prolonging life.

4. The pressures upon an Executive, and even upon a Congress to get the Nation into war may be secret, while the pressures and arguments in a referendum are open, and must be discussed, not merely applied, as in the case of a President, and to a lesser extent, of a Congress.

5. The administration's methods of opposition to the Ludlow war referendum constitute a major argument in favor of such a referendum. "Dear friends" have a good right to decide an issue, after lending their ears for fireside chats.

6. The possibility of a referendum will compel a President and Congress to be more efficient in helping to adjust differences between nations, instead of trying to sell America down the river to protect the rich, extensive, and entrenched imperialisms.

7. Present conditions in the United States where we have not won a single skirmish in the costly war on poverty, except by charging the bill to the next generation, constitute at least a presumption in favor of letting the people determine whether they wish to hunt a Holy Grail around the globe, instead of getting an economic system that will work in soil-eroded, monopoly ridden, privilege-entrenched wealth and poverty stricken and slum-cursed United States.

I do not mean that we should not be interested in saving the rest of the world, but if we cannot save ourselves, I am unable to see how we can do very much for the rest of the world.

The American people would probably indicate a heavy preference for winning the war on poverty here, before pulling the chestnuts out of the fire for people whose gratitude is in inverse ratio to benefits we rendered them in our last overseas escape from the failure of the Democratic Party's administration.

The State Department has for many years been virtually an annex of the British Foreign office, with Secretary Hull a dissentient factor, but the voters are not careerists.

This committee might suggest that the President's fireside chat against the war referendum and the broadcasts of the sponsors of this bill in favor of it, take place while the Emperor of the democracy India, is on this continent.

As I said, I would like to read a few quotations from the British on this subject. I sent a copy of this to the Committee on Foreign Relations.

Two years ago Maj. C. R. Attlee, M. P. Leader of the Parliamentary (British) Labor Party, in a preface to *The Road to War*, wrote:

It shows that a government which is fundamentally reactionary at home cannot effectively work for peace abroad.

The present British Government has always sympathy for reaction and dislike for what it considers to be left-wing governments. It is therefore hopeless to expect that it will put up a real resistance to fascism, because to do so would be to weaken its own position.

Events since justify his position.

The reason Britain and France permitted Germany to arm and re-arm was the hope that Germany would gang up with them on Stalin in Russia. You will notice that Stalin is too cagey to fall for that propaganda. He would not sign a check in blank. I hope the men of America will have as much intelligence as the men on the Russian steppes.

The Labor Press Service of the British Labor Party (May 3, 1939), states:

We were told when the rearmament program began that the Government would prevent profiteering. It has done no such thing—a fact that even the Prime Minister has had to admit. If the Government really were determined to stop the scandal of profiteering in armaments it could have done it easily enough, but it preferred to allow the scandal to continue. The Government's attitude toward this question does not justify the belief that, even if war came, effective steps would be taken to prevent huge fortunes being made out of the war.

The grave departure from the established principle of voluntary service was being rushed through. Only at the last moment was there any consultation with the trade-union leaders. They had been given a very definite pledge by the Government that conscription would not be introduced in peacetime, and on the strength of that pledge they had thrown themselves into the organization of voluntary service, only to find themselves thrown over at the last minute.

Dealing with the Prime Minister's excuse for the Government's change of policy, Mr. C. R. Attlee said if it was necessary to reassure our friends abroad that this country was really in earnest, that lack of confidence was mainly due to the failure of the Prime Minister to follow a steady policy. But if a gesture was needed the conscription of wealth would have been far more impressive. Many people held the view that the real pressure had come from that section which had always been pressing for conscription and now saw a golden chance of getting it.

The Independent Labor Party, with six members in the House of Commons, adopted the following statement, published in its paper, *The New Leader*, May 5, 1939:

The British Government is not preparing to fight for democracy against fascism.

The Government is itself Fascist in spirit and intention and permits no effective democracy over the greater part of the British Empire.

The British ruling class will fight for nothing save the preservation of its capitalist and imperialist interests, to which the workers are subordinated as factory fodder in peace and cannon fodder in war.

I would like to impress upon you one fact. We may change administrations in the next election, but the issue and problem will remain the same, whoever is in the White House. I think none of us can claim to be absolutely neutral. You cannot be neutral. If you are, and do not send goods to Japan and China, you are helping Japan.

Senator BORAH. That is not neutrality. Let us define it.

Mr. MARSH. Neutrality is not doing any more for one country than for another.

Senator HATCH. I think the remark of the witness was directed at me. I said I favored strict neutrality.

Mr. MARSH. I do not mean to criticize anybody. What I want to do is to keep out of war.

Senator BORAH. What does what you said have to do with neutrality? If we treat them all alike, trade with them all alike, the question of neutrality is settled, is it not?

Mr. MARSH. Yes; but we cannot be absolutely neutral. The League of Nations did not succeed in being it, because the major nations were controlled by the profit system. I hope you will take the time to read that book by a British publicist, H. N. Brailsford—Property and Peace, or, really, The Profit System or Peace.

Senator WILEY. The term "neutrality" is not exactly as you might define it in the code of international law. I agree with Senator Borah's idea.

Mr. MARSH. My conception is that it means to abstain from participation; treat all of them alike.

Senator WILEY. You cannot treat all of them alike.

Mr. MARSH. That is the point. You may find there is a situation where leaving them alone will help one and hurt the other.

Senator HATCH. That is not our fault.

Mr. MARSH. I quite agree that it is not our fault, except that we have reserved the Western Hemisphere for our own exploitation under that doctrine of hemispheric selfishness known as the Monroe Doctrine.

Senator BORAH. That was not the Monroe Doctrine at all.

Mr. MARSH. It was in effect.

Senator BORAH. Let us not slander our own country.

Mr. MARSH. I am not slandering our own country, but I do not know who has a better right to criticize it than an American.

Senator BORAH. The Monroe Doctrine had nothing to do with that.

Mr. MARSH. That is what it developed into.

Senator HATCH. The exploitation of other countries?

Mr. MARSH. Sure. We want to control that exploitation of South American countries.

Senator BORAH. Every nation in the world is free to go into South America and develop its trade and commerce and business.

Senator WILEY. They are doing it.

Senator BORAH. The United States does not interfere, and they go in there to build up their own business, which is perfectly proper. We were fussing around about meat a few days ago. Germany and Italy closed a large contract with Argentina effecting a complete monopoly of produce there. We did not seek to interfere with it.

Mr. MARSH. Not yet.

Senator BORAH. And we never will.

Mr. MARSH. I cannot say that.

Senator BORAH. We never will under the Monroe Doctrine.

Mr. MARSH. I did not mean to go afield, but it was because of questions asked me; and we have opposed Germany's barter trade in South America and have officially welcomed representatives of the two dictatorships, Brazil and Nicaragua, and plan loans to them to tie them to us.

These issues and the discussion here indicate the kind of education that will go on in the country, in every voting area, when there is a referendum on war. The different sides will be present. The matter will be discussed freely and openly. You cannot rely upon the pressure of great wealth, which is exerted on everyone, as you know, in Washington. You cannot exert that pressure successfully on all the people so easily.

Senator WILEY. Do you mean there is no class in this country that wants war except the people of great wealth?

Mr. MARSH. I just want to show you a leading article headed "Business Does Not Want War." It is a statement signed by the representatives of General Mills, the Steel Corporation, the Studebaker Corporation, the Standard Oil Co., the National Steel Corporation, and a number of others. I would like to read this into the record:

FARM JOURNAL AND FARMER'S WIFE—NORTH, EAST, WEST, SOUTH—BUSINESS DOES NOT WANT WAR

Business decisively rejects and repudiates the charge, sometimes whispered these days, that the temptations of war profits prompt encouragement by business of the war hullabaloo.

Senators and Representatives in Washington report floods of protests from constituents against any possibility that might lead the United States into war. Through Farm Journal and Farmer's Wife a representative and powerful cross section of business firmly declares its agreement with the people.

Farm Journal and Farmer's Wife, believing our readers will want to know what business really thinks about war, prepared a statement of principle. We made it unequivocal and clear. Top-flight business leaders on a selected list were privately asked whether they would sign it.

Promptly and enthusiastically response came from steel, chemicals, motors—a representative list of business leaders. "Not strong enough," said more than one. We regret that space does not allow quotations from emphatic telegrams and letters reflecting the positive character of the convictions of these businessmen.

The statement: Business does not want war. We prefer the prosperity of peace to the destructions of war.

No conceivable profits can be worth the anxieties in every home, the loss of lives, the loss of liberties, and the loss of opportunities that all Americans would share if our country were at war.

We hope that the United States will engage in no war. We hope there will be no wars anywhere in the world.

The signatures: James Ford Bell, General Mills, Inc.; W. B. Bell, American Cyanamid Co.; Robert H. Cabell, Armour & Co.; William H. Danforth, Ralston Purina Co.; Richard R. Deupree, Procter & Gamble Co.; Willard H. Dow, Dow Chemical Co.; Benjamin F. Fairless, United States Steel Corporation; Tom M. Girdler, Republic Steel Corporation; Howard Heinz, H. J. Heinz Co.; Paul G. Hoffman, Studebaker Corporation; Charles R. Hook, American Rolling Mill Co.; K. T. Keller, Chrysler Corporation; George A. Martin, Sherwin-Williams Co.; J. Howard Pew, Sun Oil Co.; H. W. Prentiss, Jr., Armstrong Cork Products Co.; Edgar M. Queeny, Monsanto Chemical Co.; A. W. Robertson, Westinghouse Electric & Manufacturing Co.; Fred W. Sargent, Chicago & North Western Railway; Cal Svirright, Oliver Farm Equipment Co.; Walter C. Teagile, Standard Oil Co. of New Jersey; Ernest T. Weir, National Steel Corporation; S. Clay Williams, R. J. Reynolds Tobacco Co.

This list, impressive as it is, could be enlarged indefinitely. Several important men were out of the country or otherwise beyond reach. President Clarence Francis of General Foods Corporation urged adding that "we are opposed definitely to wars of aggression, but business stands ready to throw all of its efforts back of our Government to defend our country from aggression."

While signatures were being authorized, another significant statement was issued by the Nation's most powerful association of manufacturing interests.

We quote:

The National Association of Manufacturers is unalterably opposed to war.

This is the position of the manufacturers both large and small, as represented by this association. In the words of George Washington, they are opposed to any "entangling alliances."

The devastation of modern war is all-embracing. It takes a withering toll of human and economic forces. No sensible person believes that profit can come out of the wreckage of human lives and economic dislocations.

History has answered that question. Progress comes through peace, not war.

Free nations have everything to lose in war. Free institutions are reared through peace and cooperation. Conflict destroys them.

American industry wants peace. This purpose has been frequently and forcibly declared in the previous platforms adopted by the Congress of American Industry. American manufacturers pledge every effort to maintain peace.

Happy homes and steady jobs, the idea of every American, can be achieved only through the pursuits of peace.

The Republic is now at peace. May the God of Nations preserve us from the calamity of war.

There is no doubt of it—business does not want war.

Keep America Out of Foreign Wars Week has been announced for June 11 to 18 by a committee of businessmen.

Meanwhile, from all over America has been reported a rising tide of feeling that Uncle Sam has quite a bit of spring work to do at home. Folks want to get the crops out, business wants to get better, and a good many think the less said from now on about war, in Washington or elsewhere, the better.

Senator HATCH. Do you think there is any responsible element in this country today that wants war?

Mr. MARSH. I will make the statement I made before the platform committees of the Republican and Democratic Parties in 1936: That the New Deal policies had broken down; that before the next 4-year term was over we would be in the same financial and economic straits we were in toward the close of the first Wilson administration. At that time getting us into a war covered up the serious domestic issues. I said: "You are going to face the same thing before the end of 1940." Nobody wants to get us into a war, but no one wants to get licked in a political election. God knows I can't conceive why any party would want to be in control in America between 1940 and 1944, but both seem to want it. Personally, let me say, nobody wants to get us into war, but there are four great messianic monomaniacs in the world today—Hitler, Stalin, Mussolini, and Roosevelt—as I stated in my talks across the continent last year.

Senator HATCH. I do not appreciate such remarks about the President of the United States.

Mr. MARSH. I am interested in the welfare of the American people.

Senator HATCH. I think a man who applies such a term to the President of the United States is serving neither the country, the President, nor the institutions he represents.

Mr. MARSH. I emphatically do make that statement, and you are entitled to your opinion, as I to mine.

Senator BORAH. That is not settling the referendum.

Mr. MARSH. I want to settle all these questions by peaceful methods.

Senator WILEY. But some group might be interested in getting us into war.

Senator HATCH. He said that there was no such group.

Mr. MARSH. No group that will admit that, but a lot would prefer war to what might be the alternative at home. That is the danger of leaving it where it might be decided by pressure.

Senator HATCH. The committee will adjourn until tomorrow morning at 10 o'clock.

(Whereupon, at 12:10 p. m., the committee adjourned until the following day, Thursday, May 18, 1939, at 10 a. m.)

WAR REFERENDUM

THURSDAY, MAY 18, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to adjournment, in the committee room, Capitol, at 10 a. m., Senator Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman) and Miller.

Present also: Senator Wiley, of Wisconsin.

Senator HATCH. I think we may as well proceed at this time. We have a number of witnesses here who wish to testify. I would like to have all the members of the committee present, but I am sure they will read the record and will probably be here before very long.

STATEMENT OF CHARLES F. BOSS, JR., EXECUTIVE SECRETARY, THE GENERAL CONFERENCE COMMISSION ON WORLD PEACE OF THE METHODIST CHURCH

Senator HATCH. State your name, your official capacity, the organization you represent, and then proceed in your own way.

Mr. Boss. My name is Charles F. Boss, Jr. I am executive secretary of the General Conference Commission on World Peace of the Methodist Church, with headquarters in Chicago at 740 Rush Street.

I would like to read a statement which really has three general sections: First, a representative section dealing with the main features of the amendment; second, certain questions of uncertainty which may cast some doubt on the construction of the amendment; and third, an outline of certain actions of the Methodist denomination, which I think have some bearing, as to the trend of thought in the church.

I have accepted the invitation of Senator La Follette to appear before this committee because of my devotion to the interest of world peace and my determination to oppose strongly the involvement of the United States in any war. I come recognizing my function as an interpreter of these objectives from the viewpoint of religion, and particularly of the denomination whose World Peace Commission I represent. The principle of the war referendum has held my interest and been one of the objectives of our peace education for two reasons:

First, it contains the essence of our democratic form of government which holds its representatives ultimately responsible to the people. Our Government is a government "of the people, by the people, and

for the people," and it is, therefore, my judgment that an issue as important as war or peace for the United States should root deeply in the wills and actions of the people themselves.

The second reason is my belief that the war referendum, if properly guarded and justly used, would be a check on any administration or any party which itself had reached the conclusion that the time for the involvement of the United States in some foreign war was at hand.

Some contend that the proposed war referendum amendment would break down our representative form of government. Our belief that the war referendum would work in the interest of greater democracy and decentralization of power does not, in my judgment, conflict with the principle of representative government. The people are today expressing a strong will against involvement in war. Those who are to risk their own lives, or the lives of their children, should certainly have a definite means of expressing a final vote with reference to their willingness, on the conditions created by any situation, to plunge the country into war.

We trust the judgment of the popular vote with reference to the election of so important a representative of the people as the President of the United States and such other important representatives of the people as the United States Senators themselves. Are there not valid reasons for believing that our people, educated in a free education in a democratic state, whose intelligence and judgments are trusted with reference to so important matters as these, may not also be sufficiently well educated, provided educational forces are kept free, to judge the all-important issue of war?

Nor do we consider our position, as some contend, a reflection upon Congress. I think in Congress there is a profound opposition to the involvement of the United States in war. A Congress which takes this position is not likely to be repudiated by the mass of people in the United States.

Nor do our positions imply that the Chief Executive of the United States desires to take the United States into war. Our position in supporting the war referendum is not intended to reflect upon the motives or intentions of our representatives either in the White House or in Congress. Believing that both of these branches of our Government desire to keep the Nation and, insofar as they can, the world at peace, the problem is one of wise measures in bringing the support of the people to governmental agencies which desire peace and hate war.

We believe the proposed amendment providing a referendum to the people before war may be declared is a wise check upon the activities of those who represent us.

Are there not historic grounds for the conclusion that, during the past 80 years, we have been moving away from, rather than nearer to, the right of the people through Congress to control the war-making processes? And even in our earlier history, Presidents wielded excessive power in determining declarations of war, even in the face of opposition from large areas of our population.

We do not assume that any one piece of legislation can do all that is necessary to slow up—if not prevent—the involvement of the United States in war. Indeed, the position of our Commission on World Peace would be that legislation alone cannot achieve the task.

Yet, granted the will to justice and peace, war cannot be prevented without legislative, organizational, and diplomatic safeguards which organized states must use.

Both among those who support and those who oppose the principle of a war-referendum amendment there seems to be uncertainty at several points. The first of these is with regard to the section reading: "except in case of attack upon * * * or its territorial possessions" or "against any country in the Western Hemisphere."

Taken at its face value, for what clearly it is intended to mean, the people understand the statement. The uncertainty arises in the manner in which events may be so manipulated—as, for example, in the Far East situation—whereby attack upon the Philippines might be deliberately provoked as a means of circumventing a war referendum.

Nor is it at all certain that we should not resort to a referendum for war in the event some South American state permitted itself to become involved in a war with some nation other than one on the American continent.

A second point of uncertainty seems to be with regard to the effect of the war referendum, should it be passed by Congress and ratified by the States, on Congress itself. There is an opinion abroad that Congress might—to use a popular phrase—tend to "pass the buck" to the American people. If legislation could be provided making necessary a two-thirds vote by Congress, amounting practically to a tentative declaration of war, before it becomes necessary for the people to give their final check upon it through a referendum, this uncertainty might be removed.

Furthermore, there is uncertainty as to whether or not, in the event a popular vote revealed a majority for war, the United States Congress would be required to vote a declaration of war, even though the intervening weeks might have brought profound changes through diplomatic consultations, and so forth. This is a particularly important point, unless it should be required that at least two-thirds of the citizens of the United States—if not three-fourths—just vote in the affirmative for the declaration of war. Otherwise we might face a situation where 51 percent or 55 percent of the people voted for war, which clearly would leave the Nation about equally divided and make support of a war impossible. A majority vote, therefore, under such conditions could scarcely be mandatory.

A third point of uncertainty involves the control and effect of propaganda for war upon the minds and actions of the citizens of the United States. Some contend that the forces of propaganda could more easily influence a majority of the people of the United States to support war than a majority of the Members of Congress. Though believing this to be possible, I do not believe the judgment is correct. It does call attention to the need for insistence upon the educational use of instruments of communication, providing for the unprejudiced presentation and discussion of the great issues upon which the representatives of the people act and upon which they need the expressed judgment of the people they represent. I am not convinced that means cannot be found whereby blocks of time, for example, on radio systems could not be used without the necessity of payment to commercial concerns, and operated under regulations which required that equal time and opportunity be given for the discussion of all sides of highly controversial issues involving the peace and welfare of the people of

the United States. Furthermore, one feels led to conclude that agencies so cast and powerful as to practically control means of communication in the interest of subversively swaying the people to support of war would almost certainly control the avenues which influence the Members of Congress, especially if the total power of any administration were being asserted in the same direction.

There are actions taken by the General Conference Commission on World Peace of what was formerly the Methodist Episcopal Church and is now a part of the Methodist Church—recently united at Kansas City—which may well be borne in mind by a committee such as this one. The denomination has very strongly expressed itself in its indictment of war:

We yield to no one in our admiration of men who hitherto, in full accord with public sentiment and the dictates of their own conscience, have given up their lives in war. But war, whatever may have been true of it in the past, is now productive only of evil. It involves (a) the slaughter of human beings, including women and children; (b) violation of personality; (c) lying propaganda; (d) deliberate breeding of the spirit of hate; (e) vast destruction of property; (f) unsettling of the economic structure of society, threatening the collapse of credit, the curtailment of commerce, widespread unemployment, world-wide reduction of the standard of living, with here and there actual starvation; and, furthermore, (g) it threatens the destruction of democracy and encourages the spread of fascism; (h) it puts in the place of moral law the doctrine of military necessity; and (i) it distorts the religion of Jesus into the religion of a war god. Therefore, we feel bound to conclude that war is sin, a word which we use deliberately because of its religious connotations, signifying as it does an offense not only against man but also against God. (The General Conference Commission on World Peace. See Methodism's Mission of Peace, p. 2.)

The General Conference of 1936 of the Methodist Episcopal Church, basing its actions upon this indictment of war, made the following pronouncement, supported by an overwhelming vote, saying:

War as we now know it is utterly destructive. It is the greatest social sin of modern times, a denial of the ideals of Christ; a violation of human personality; and a threat to civilization. There we declare that the Methodist Episcopal Church, as an institution, does not endorse, support, or purpose to participate in war.

That the foregoing action was not merely a flash in the pan is evidenced by the action of the uniting conference, meeting from April 26 to May 10, 1939, in which the former Methodist Episcopal Church South, the Methodist Protestant Church, and the Methodist Episcopal Church (North) unitedly, by more than a two-thirds vote, stated:

In this connection we insist that the agencies of the church shall not be used in the preparation for war, but in the promulgation of peace. We believe that war is utterly destructive and is our greatest collective social sin and a denial of the ideals of Christ. We stand upon this ground, that the Methodist Church as an institution cannot endorse war nor support nor participate in it.

Furthermore, this uniting conference of the Methodist Church, representing a constituency of about 8,000,000 persons, reaffirmed its conviction that there is a sphere of individual conscience which should not, even in the interest of the individual or the state, be invaded. The action as adopted reads as follows:

The Methodist Church, true to the principles of the New Testament, teaches respect for properly constituted civil authority. It holds that government rests upon the support of its conscientious citizenship, and that conscientious objectors to war in any or all of its manifestations are a natural outgrowth of the principle of good will and the Christian desire for universal peace; and that

such objectors should not be oppressed by compulsory military service anywhere or at any time. We ask and claim exemption from all forms of military preparation or service for all conscientious objectors who may be members of the Methodist Church. In this they have the authority and support of their church. However, we recognize the right of the individual to answer the call of his Government in an emergency according to the dictates of his Christian conscience.

We stand for the recognition and maintenance of the rights and responsibilities of free speech, free assembly, and a free press; and for the encouragement of free communication of mind with mind, as essential to the discovery of truth.

It seems evident that the majority of the members of our conference would be inclined to agree with the minority report of the Supreme Court in the *McIntosh* case which was presented, and we understand to have been written, by Chief Justice Hughes. In this 5-to-4 decision, the minority group took the point of view that there is a realm of individual conscience which may not be invaded even by the state and thereby kept alive a conviction long in the minds of the American people that there are grounds in the Constitution for the position long taken by religious groups such as the Quakers, and which has become a religious conviction with a growing number of Christian people in our day.

May I submit with these materials a penetrating editorial of the Washington Post of May 11, which is an editorial of true insight and correct interpretation of the position held by those who supported the action of the uniting conference referred to above?

Mr. Chairman, I submit these materials and judgments as indicating a trend in the thinking of the religious life and actions of our people.

Senator HATCH. The editorial referred to may be included in the record as a part of your remarks. Furnish it to the reporter, and he will see that it is incorporated in the hearings.

(The editorial referred to is here printed in full, as follows:)

CONSCIENCE AND DUTY

There is much more than sectarian importance in the struggle that took place, at the Methodist uniting conference at Kansas City this week, over the question of whether that church should give its formal backing to the claims of conscientious objectors in wartime. For the issue, decided by the conference in the affirmative, touches the very roots of democracy, not only as a system of government but also as a way of life.

In a democracy the will of the majority is, for purposes of government, the will of all. But that statement, so far as the United States is concerned, requires certain fundamental reservations. The authority wielded by the majority must not be used to crush or destroy minorities. It must not be employed to create a tyranny. Above all it must not be applied in a manner which might infringe on any of those basic individual rights which are embodied in the Constitution.

Obviously, the conscientious objector, standing on the theory that there is a limit to the authority of the state, has strong constitutional basis for his position. And hitherto those, like members of the Society of Friends, whose religious beliefs forbid them to take human life under any circumstances, have been excused from military service. But individuals of nonpacifist faith, and of no faith, who nonetheless are conscientious objectors to war, have never readily been accorded the same exemption. It has been held that the proof of settled conviction must be compelling to exempt the citizen from such service as his Nation, in extremity, is entitled to demand.

A nation at war may, under the pressure of self-preservation, be forced to employ every force at its command. There is obviously no place in such a time for the malinger, for the man whose pacifism is simply a cloak for

cowardice, for the traitor. But there is, or must be found, a place for those whose refusal to fight arises out of profound religious convictions and who, out of principle, are ready to submit to any penalties and every sacrifice. For them the imperious demands of conscience take precedence of the law laid down by the majority.

This is true because in a free country it is not the state which counts first but the individual, even when the state is acting in the basic interests of the collectivity of individuals. That is the basic fact which sets a democracy apart from the various types of totalitarian systems. And while even democracies tend to become totalitarian in wartime—there is a limit beyond which a free country cannot resort to compulsion of the individual and still remain free.

That limit cannot easily be set. It will always be difficult to draw the line between genuine conscientious objectors and those whose conversion to this philosophy coincided with the threat of conscription. But the line must be drawn. Even in wartime the individual must not be wholly sacrificed to the state turned Moloch. And the Methodist conference is serving a wholly patriotic purpose in pointing this out.

Senator HATCH. I do not think I have any questions I desire to ask. If there is anything that you wish to elaborate upon, you may do so. I appreciate the very fair manner of presenting your approach to the subject, especially where you pointed out very clearly that neither this nor any other one single piece of legislation can be a sure preventive of war.

Mr. Boss. I would like to elaborate on that, with your permission. We do not look upon this amendment as a panacea for all war troubles, nor do we believe we could stop war at the last minute. We think of this as one step along with a number of others, including a very strict neutrality. We do not believe that involvement in any war in Europe is justifiable under any circumstances. Our commission was very clear on that point in its action this past September. We do not think such a war will save democracy, or will do any of the other things to which high-sounding phrases have been so often applied.

We, therefore, take this stand, not from a selfish point of view, because we believe we ought to help bear the burdens of the United States. We are not isolationists in any sense of the word on that point. Our church believes that ultimately we will have to have some kind of an association of nations, but we do not believe that highly centralized power and authority can accomplish these purposes without a high degree of fascism, which we do not stand for. Therefore, we believe that the war referendum is a step in the right direction and will prevent us from the concentration of power in the hands of the Executive with reference to the steps that lead up to war.

Senator HATCH. That is the point with which I have been concerned more than the referendum. I have been greatly concerned about those preliminary steps, which are taken long before we ever reach the point of declaring war.

Mr. Boss. The argument of those who oppose the amendment is very strong, and I tried to bring that out. I think there will have to be legislative steps guarding the referendum very carefully to prevent it from being a side-stepping of the issue by the Executive or the Congress. I think those safeguards could be provided, but then it seems to me the way to make them would be to make Congress responsive to the war amendment. Of course, to all intents and purposes, there is a tentative declaration of war before the people could vote on it, by the submission of the question to them.

Senator HATCH. You raised an interesting point in your discussion when you stated that there might be a vote of 51 percent in favor of war. Under the present form of the resolution, while I have not carefully studied it from that standpoint, if 51 percent of the people vote for war, it is an absolute declaration of war. That raises another question which was developed yesterday, that in the event such a referendum is submitted and results in an affirmative vote for war, it would be a declaration of war, and 51 percent of the people would have the power to declare war. It would be a declaration of war, and we would just go to war. It was suggested that there might be a countercheck placed there, so that after the vote was taken Congress could still exercise some discretion and some authority as to whether or not war should actually be declared. If such an amendment were written into the resolution, then if you have a 51-percent vote in favor of war, Congress could still retain the final say and declare that under such a vote there would be no declaration of war. I think that is well worth considering.

Mr. BOSS. I included that paragraph because I think some such amendment will be necessary. I did not feel competent to suggest to the committee what it should be, but I felt that there should be an amendment something along that line. Suppose there were 55 or 60 percent of the people who voted for war, and in 2 or 3 weeks there should be a great change in the situation.

Senator HATCH. That might be true even during the time the vote was being taken. Still, under the resolution as it is now drawn, we would have to go to war.

Mr. BOSS. I would be in favor of an amendment which would bring the matter back to Congress after the vote of the people.

Senator WILEY. In other words, that the vote would not be mandatory, but simply advisory?

Senator HATCH. Yes.

Senator WILEY. Congress would still have the power it now has.

Mr. BOSS. I think, if Congress had a vote of 51 to 49, it probably would hesitate to take the country into war.

I raised that as one of the points of uncertainty.

Senator HATCH. Dr. BOSS, we are very glad to have had you with us. Thank you for your statement.

STATEMENT OF HON. JENNINGS RANDOLPH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Senator HATCH. Representative Randolph is the next witness on the list.

Representative RANDOLPH. Mr. Chairman and gentlemen, I appear this morning with no prepared or written statement, but with a strong feeling in my mind and heart as to the affirmative purposes of the resolution under consideration. Since a similar resolution was introduced in the House of Representatives, I may say that I have been active in its support. On the floor of that body I spoke for it, and I have been recorded in the vote which was taken in favor of the principle. As I understand it, you are considering a resolution introduced by a Member of this body, but it is identical with the Ludlow resolution.

Senator HATCH. Not quite. I believe there is a slight change.

Representative RANDOLPH. It is identical in its purpose with the one we have been considering in the House.

Senator HATCH. Yes.

Representative RANDOLPH. I feel that if the people of Japan could have been given an opportunity for a so-called referendum prior to entering into war with China, there perhaps would be no conflict between those two nations at the present time. I think I could also say that I believe such would be true of the people of any other nation who appear at the present time to be engaged in aggressive warfare, if they had had the opportunity of expressing themselves individually.

I feel, further, that the most sobering influence upon any country in its decision to make war on foreign soil would be the vote of the people of the Nation. I certainly feel that the amendments that have been made to the Constitution of the United States will bear out the contention that although the founding fathers certainly builded well and builded a constitutional structure which I know will continue to exist, there are very few persons who would not agree that the action which gave to the women of America the vote has been something worth while in our system of government. I feel that the extension of the voting privilege to that large group was a step forward in the furtherance of the full processes of democracy. I feel very strongly that if the men and women of America are to be the guardians of the peace of this country, certainly when we are confronted with the question of war in which this country would engage on foreign soil, the very fine expression of the American people on that subject would have much weight and more influence than the expression of any elected official, no matter how highly that official felt his responsibility to the electorate. Upon a question of this kind, which involves the very life not only of the individuals but, as I understand it, the life of the world in the *n*th degree, each individual expressing himself or herself, would have, as I said before, the most sobering influence as a deterrent to a conflict in which this Nation might engage, if it handled the matter as we would handle it at the present time.

Senator HATCH. Is that all?

Representative RANDOLPH. That is all.

Senator HATCH. Have you any questions, Senator Wiley?

Senator WILEY. Yes. I want to develop the idea I had yesterday. It came out of a clear sky. I had been reading the resolution. The thought occurred to me, which is not so clear in the mind of the average layman, that we are a republic and not a democracy. Those who have read the history of the development of our constitutional form of government must have been impressed with the idea that, if I may use the vernacular, those who built that framework had something on the ball. So the thought occurred to me, that if this should become a part of the constitutional framework of our Government the language should be modified so that it would still express what the founding fathers put into the Constitution—that is, the power of Congress to declare war—and we should restrict that power by saying that they cannot declare war unless the people first vote for war. That would furnish a deterrent, if the people, under the stress of emotionalism, should vote for war. This resolution says the people may declare

war. I am not in favor of letting the people declare war. I am in favor of saying the people should have a right to say whether Congress should declare war, but not take away from Congress that right provided in the Constitution. Do you see the point? It is a second deterrent, if you please, a second check.

Mr. Stuart Chase said yesterday that when he was in Texas he found everything calm; and when he got into the East, he found everything upset. Our human minds are such that they differ a great deal. We know that if this issue were ever presented to the people there would be more propaganda on both sides than we have ever heard of. With our present means of communication, the newspaper, the radio, the speeches, the propaganda on both sides would be tremendous. If the people then should vote for war, not declare war, but vote for war, then Congress should have the right to say "no," because we are a republic and not a democracy. The logic of that to me is very important. If the time ever arrives that we become a democracy, then the vote of the people would control.

I understand you are a Member of the House of Representatives? Representative RANDOLPH. Yes.

Senator WILEY. No doubt you understand your duty to be to use the judgment God Almighty gave you, even if 90 percent of the people of your district took a different view. Even then, you would still have to exercise your judgment. I think that is the basis of our republican form of government. A democracy would mean that the people would dictate your vote. They do not do that now, except perhaps morally.

I would like to get your reaction to that second check.

Representative RANDOLPH. I will endeavor to answer your question, Senator Wiley. I may not answer it in a direct manner, but I will come around to it.

Senator WILEY. The resolution says the people shall have the sole power to declare war.

Representative RANDOLPH. I am very strongly in favor of a national referendum, because I believe it would be a declaration of peace rather than of war. I feel that the people of America, whether they come from so-called classic Texas, to which Mr. Chase referred, or from some of the Eastern States, by and large, can be trusted to do the right thing at the right time. I feel that very strongly.

Senator WILEY. We will not argue that. I would just like to get your reaction about that additional check.

Representative RANDOLPH. I would have to say that I believe that would be a wise thing to do.

Senator HATCH. Suppose that the vote should be 51 percent in favor of war and 49 percent against war. Under the resolution we would go to war.

Senator WILEY. Absolutely.

Senator HATCH. Do you think that would be wise?

Representative RANDOLPH. Of course, in borderline cases like that—

Senator HATCH (interposing). That is an extreme case, of course, but it is possible.

Representative RANDOLPH. I listened very carefully to the discussion of that a while ago.

Senator HATCH. I do not suppose such an extreme case would ever happen, but in the event it did we would have a declaration of war, with 49 percent of the people opposed to it, which would mean not only war on foreign soil but very likely a revolution at home.

Representative RANDOLPH. May I ask you a question, based somewhat on the questions that have been directed to me?

Senator HATCH. Yes.

Representative RANDOLPH. Are you in favor of the purposes of this resolution?

Senator HATCH. I am opposed to the referendum, because I think it is unwise and impractical, but I am very strongly in favor of the prevention of war. I am in full accord with the vast majority of the people and with both Houses of Congress, in opposition to every move which would cause us to send our soldiers abroad. I think that is the overwhelming sentiment.

Representative RANDOLPH. Answering the question that Senator Wiley and others have raised, the insertion of certain language in the resolution might meet your judgment.

Senator HATCH. I am very sympathetic with the objectives of the resolution. I think it is very important and ought to receive the highest consideration we can give it.

Representative RANDOLPH. I can say very frankly that, from my own observation, remembering the vote in the House of Representatives on the subject on January 10, 1938, at the present time, approximately a year and 4 months later, it would receive a majority vote in that body. It was a close vote before. If the membership of the House is, as it was intended to be, a little closer to the people, I think there would be no question about it.

Senator HATCH. Is intended to be?

Representative RANDOLPH. Yes. It has to go back to the people every 2 years instead of every 6 years. Having had a congressional election in the fall of 1938, and now being in session in the Seventy-sixth Congress, it is my very candid opinion that if that matter were to be voted upon in the House tomorrow the vote would sustain the war referendum by at least 50 or 60 majority. I bring that up simply to further the thought that I believe the American people, although that vote might be unwise in your mind, can be trusted to do the right thing at the right time on an important question like this.

Senator HATCH. I think the people are getting the idea that the adoption of this amendment will absolutely prevent war. I think that is a very unwise and dangerous belief to get in the minds of the people, because it will not have that effect. As I stated yesterday, I believe it would be a broken reed. I think the people should fully understand that it will not necessarily prevent war. The steps taken long before a declaration of war can be made are the most dangerous.

Representative RANDOLPH. I would not want to be a party to misinforming or carrying the wrong idea to the electorate. I do want to carry out just one more observation in my own mind, in connection with Senator Wiley's statement to the effect that the people would be influenced by propaganda to vote for or against a war.

Senator WILEY. Even as Members of Congress would.

Representative RANDOLPH. Yes. I believe the Members of the House and the Senate, those in official life in Washington, are swayed by the same forces that sway the people who sent us here. I really believe

that perhaps at the focal point, four or five hundred individuals could be more easily swayed into a war than could the entire people of the Nation throughout the 48 States. I am a firm believer in the expression of the American people on every subject. That is why I believe in the purposes of the resolution. I am very strongly against America entering into any war on foreign soil. Our experience in that respect has been so disastrous that I do not think we should repeat it.

Senator HATCH. I do not think there is any disagreement about that.

Senator WILEY. I think we must realize that we are a republic and not a democracy. I disagree with your statement that Members of the House are closer to the people than are the Senators. I think the Senators are as close to the people as the Members of the House. I do think that it is quite possible that men of education and judgment, like yourself, men supposed to be possessed of mental powers, who are being paid with a monthly check to think these problems through, are less likely to be influenced by the propaganda to which I referred than many of the people who are under emotional strain and attack. If the idea is that we should give the people another chance to vote on a declaration of war, then I should say that we should not make that a mandate. I am sitting here as a judge. I am not saying what my position is.

Representative RANDOLPH. I am very sure the members of the committee are entirely fair in their consideration of this resolution.

Senator HATCH. We are very glad to have had you with us.

Representative RANDOLPH. I thank you for the courtesy.

STATEMENT OF HON. LOUIS LUDLOW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Senator HATCH. Representative Ludlow, you may come forward, if you are ready. Just proceed in your own way.

Representative LUDLOW. Mr. Chairman and members of the committee, in the brief time I may properly consume today, I would like to approach the subject before us—the war referendum—from the standpoint of our democracy and what we may do to enlarge it in the public interest.

At the outset I want to confess that I am a follower of Jefferson, devoted to his philosophy and sharing implicitly his belief in the ultimate righteousness of the people's decisions.

So believing, it is my firm conviction that the sooner we decentralize the war-making power, the sooner we remove the making of war from a few individuals—however well-meaning those individuals may be—and vest the authority over participation in foreign or nondefensive wars in the great jury of the people, themselves, the sooner we shall reach the objectives for which all of us are striving, the answer to the question, "How can we keep America out of war?"

Putting it in another way, we will get rid of war as we build up democracy. We will get rid of war as we unshackle public opinion and give it free opportunity to exercise its power.

The same idea was expressed by Daniel Webster more than 100 years ago when he said in a speech on the Greek Revolution:

It may be asked, perhaps, what can we do? Are we to go to war? Are we to interfere in the Greek cause, or any other European cause? Are we to endanger our pacific relations? No; certainly not. What then, the question

recurs, remains for us? If we will not endanger our own peace; if we will neither furnish armies nor navies to the cause which we think the just one, what is there within our power?

Moral causes come into consideration in proportion as the progress of knowledge is advanced, and the public opinion of the world is rapidly gaining an ascendancy over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression, and as it grows more intelligent and more intense, it will be more and more formidable. It may be silenced by military power, but it cannot be conquered. It is elastic, irrepressible, and invulnerable to the weapons of ordinary warfare.

Since those words were uttered the world has passed through some of the darkest nights of history because public opinion has been too weak and inarticulate to exercise its leavening influence, but it is still a great potential power for peace and, as Webster said, though it may be silenced temporarily it cannot be conquered.

Webster was right when he asserted that as public opinion grows more intelligent and more intense, it will be more and more formidable as an antidote for war.

But we need not go back as far as Webster for testimony to corroborate this truth. Woodrow Wilson asserted in many of his speeches that he had known of governments making war on governments, but never in the range of his reading and observation had he known of "peoples making war on peoples"; and the present Chief Executive of the United States, Franklin D. Roosevelt, uttered a sentiment of hope and inspiration to the human race around the world when, in addressing the Woodrow Wilson Foundation on December 28, 1933, he said that "war by governments" must give way to "peace by peoples." With admirable directness the President expressed in one brief phrase the philosophy that has brought this war-referendum peace amendment into existence.

Faith in the people's decision on war was expressed with great earnestness and impressiveness by the Young Democrats of America, that splendid organization of 5,000,000 young men and women who are the coming citizens of our country, when at their national convention held at Indianapolis in August 1937, they passed the following resolution:

Resolved, That we favor a Nation-wide referendum before declaration of war, except in case of invasion or internal rebellion.

When James Roosevelt, the chairman of the convention, put the question there was not a single negative vote, and the resolution was adopted unanimously and with stirring emotion. It shows the vision of our young people—the future defenders of the Nation—on this subject.

As President Wilson so well said, it is not the people who make wars. I do not believe that there is anywhere under the shining sun today a people that wants to go to war with any other people, and I think that is as true of the people of Germany, Italy, and Japan as it is of the people of the United States. Unfortunately for those nations they have no free speech and no freedom of action. They are under the thumbs of tyrants and must obey their masters. Fortunately for us, we live in a free country and have authority, if we will exercise it, to settle these great tragic questions by counsel among ourselves.

I repeat that, in my opinion, the best way for Americans to keep out of war is to exercise the inherent right of decision that belongs

to them in a democratic form of government. We should not only insist on that right but we should take the necessary steps to enlarge and perfect the processes of democracy so that it will be possible to exercise that right. The essential change needed is to reconstruct the war-declaring mechanism so that the people shall have a right to a direct vote on participation in foreign wars. The existing war-declaring mechanism is not a democratic mechanism at all. It is an autocratic mechanism. Under its operation 267 Members of Congress, a bare majority of both bodies, subject to all kinds of pressures, and singularly influenced by one other individual, the President of the United States, may plunge America into the most horrible war imaginable. Unfortunately, our democracy stops at the water's edge. In its foreign relations our country is not a democracy at all but a pure autocracy.

It is true that our democracy applies in our domestic concerns, but it is singularly absent in our foreign affairs. The citizen may vote on the location of a water works or a pesthouse. He may exercise the right of suffrage in choosing a constable or a dog catcher, but he is not allowed to vote on the most tragic and important of all questions where the decision involves the life and death of loved ones, the sundering of family ties, an inexpressible load of grief and woe and debt and the possibility of a change in the form of government which will rob him and his family and posterity of the inestimable franchise of freedom.

The war-referendum amendment would broaden the democratic processes so that the American citizen would have the right to vote not only on domestic matters but on the international questions of war or peace, which affect him more vitally and closely than any domestic question that could possibly be imagined. If we are to concede any potency whatever to democracy, why should it not apply to the greater things of life as well as to the relatively minor and inconsequential things?

The war-referendum principle is based on the philosophy that those who have to do the dying and the suffering, and to bear the unspeakable burdens and griefs of war, should have something to say as to whether war shall be declared. What could be more elementally just than that? What could harmonize more perfectly with the purposes for which this free Government was founded and the traditions of American history?

I am for this referendum on foreign wars, not only because I believe it is a right that belongs to the citizen in a democracy but because I believe it would be a great stabilizing influence for peace. With the lessons of the past vividly in the public mind I believe it would keep us out of foreign wars for a hundred years, and, indeed, out of all wars, for I do not believe that there is a nation on earth that has, or ever will have, the remotest thought of attacking us. Without this referendum I would not undertake to forecast how soon we may be dragged into another horrible foreign war.

To show how un dependable the existing war mechanism may be as a means of registering the popular will it is only necessary to revert to what happened in the House of Representatives a year ago last January, when the vote was taken on discharging the Committee on the Judiciary from the consideration of my war referendum resolution, which was first introduced in January 1935, and which the com-

mittee consistently and persistently throttled until December 14, 1937, when the 218 Members of the House signed the discharge petition, which I had filed to bring the resolution before the House for debate and a vote. More Members were waiting to sign, but when 218 had affixed their signatures the petition became automatically effective and was withdrawn. Under the rules the question came up on January 10, 1938, on the motion to discharge the committee, which could be done if a majority of the House so voted.

Let me tell you what happened on that day, not in my own language, but in the language of a more facile and entertaining writer, James A. Farley, Postmaster General and chairman of the Democratic National Committee. I quote from Mr. Farley's article on page 134 of the American magazine of November 1938, as follows:

Time and again, when Congress has been about to vote on an important measure, I have appealed personally to Members of the Senate and House to vote as the administration wanted them to vote. For instance, in the spring of 1938 a resolution in the House of Representatives provided, in effect, that the United States could not go to war outside its own territorial limits unless the Federal Government was first authorized to do so by a national referendum of the people. The resolution had many strong points. But it was a difficult time in the realm of national affairs. * * *

I spent an entire day on the telephone asking Democratic Members of the House of Representatives to vote against bringing up the war-referendum resolution. Many of them had already voted to discharge the resolution from the committee, the first move in the parliamentary skirmish, thus in effect committing themselves to its passage. Some Members frankly said they were unable to go along with the administration. Others said they would stand by the administration and vote in the negative. This appeal by telephone had an influence in blocking consideration of the resolution.

As to the truth of that last sentence of Mr. Farley's article, I being the defeated party, can bear eloquent testimony. As already stated, 218 Members of the House, a majority, had signed the discharge petition.

Many other Members who are opposed to signing petitions had told me that when the resolution came up in the House they would vote for it, and the combined support was so great that I am convinced that if the House had been free to vote without outside pressure the constitutional amendment would have been adopted and sent on its way toward ratification. The best evidence of Mr. Farley's extreme diligence and effective work for the antireferendum cause is the fact that on a show-down the proposal received only 188 votes while 209 Members voted against it and our side lost by the narrow margin of 21 votes.

I have no complaint of the President for throwing the tremendous force of his administration in the scales against my resolution, which, in its perfected form as it was read to the House, was in the identical language of the resolution now before the Senate subcommittee. I grant to him the same honesty of purpose I claim for myself. I am sure he follows the dictates of his conscience, just as I seek to follow the dictates of mine.

In any activities of mine in regard to the war referendum there is no criticism by me, direct or implied, of the present occupant of the White House. It is not the present I have in mind so much as the future. A constitutional amendment such as we are advocating in all probability could not be adopted during the term of the President now in office. What we are contending for, therefore, has very little

bearing upon the immediate present, but it has an enormous bearing upon the interminable future and contemplates the possibility, nay, the certainty, that we shall have all kinds of Presidents in the years to come, some militaristic, dictatorial, and eager to plunge the country into war. A tyrant or dictator who wishes to lead this country into a war of conquest or aggrandizement would find few obstacles in his way. If a President now has such power over Congress that he can prevent a peace measure from even being debated, what chance would there be to avert war if some future dictatorial President should decide to force a declaration of war? These are matters we should be thinking about, and my mention of them is in no sense a reflection on our present President, for whom I have the highest respect. But there will be many more who will follow him in the long train of years, some of whom will not be as altruistic as he is, some of whom will be tyrannically inclined and bent on making war. The point I am trying to make is that the existing war-making mechanism is grossly defective in that it centralizes too much power in Congress and the White House.

But you may ask, "If the lodgment of the war power with the people is so essential to the functioning of democracy, why was that not done in the first instance when the Constitution was adopted?" Let me say that no one holds the Constitution in higher reverence than I do as the sheet anchor of our liberties and the arch stone of our public welfare, and I would never be a party to amending it for light or inconsequential causes.

The question referred to is a perfectly legitimate one, just as other questions that have been asked me, such as, "Why did not Washington favor a referendum on war?" and "Why did not Jefferson include it in his cherished Bill of Rights?" Certainly no one doubts the breadth and depths of the altruism of the seers who founded this Republic.

There is one answer to all of these questions and it is the obvious one. Means of communication were so slow when the Constitution was adopted that a referendum on war was not only impracticable, it was unthinkable. A perusal of the debates of the Constitutional Convention shows that there were two schools of thought on war. The delegates of monarchical tendencies wanted to lodge the war power with the President. The liberals wanted it lodged in Congress, which was the closest to the people it could be placed in the conditions then existing, and the liberals, led by Thomas Jefferson, finally won, so that after the action was taken we find this curious observation in a letter written by Thomas Jefferson to James Madison:

We have already given in example one effectual check to the dogs of war by transferring the power of declaring war from the Executive to the legislative body, from those who have to spend to those who have to pay.

In colonial days there were no good roads, and a letter mailed on the Atlantic seaboard was 6 months reaching the uttermost frontiers, if indeed, it ever reached there at all. Now it is all different. The fast train roars its way across the country in 100 hours—the airplane in less than 24. The President, sitting before the microphone in Washington, talks to the entire Nation. The automobile, fast trains, airplanes, telephone, telegraph, and radio have annihilated time and

space. Modern perfection in the means of communication has made a referendum on war possible.

The war-referendum proposal now pending before both branches of Congress, as embraced in the La Follette resolution in the Senate and my resolution in the House, applies only to participation in foreign wars. If the United States or any other country in the Western Hemisphere is invaded or attacked the referendum would not apply.

It does not interfere in any way, shape, form, or degree with national defense, but only has reference to the mechanism by which war shall be declared. I personally believe that a combination of strong national defense, coupled with a referendum on foreign wars, is the best peace insurance this country could possibly have. There are defense wars and there are policy wars, and this resolution goes only to the point of determining that when it comes to a decision as to whether our boys shall be sent to die in foreign lands in the settlement of age-old quarrels of alien origin over boundary disputes, blood feuds, and the like, the people of America shall have a right to vote on the question, with women having equal voting rights with men. The place to decide that question is in the privacy of the ballot booths where every voter will have the right to register his free and untrammelled opinion, alone with his Maker. In that way we shall have the real verdict of the composite judgment and conscience of the American people on the most important question that can affect our national life.

I should like, if I may, to add one more word, and that is in respect to the form of the resolution. I think the Senate resolution contains the identical phraseology that was before the House. The Senate resolution reads as follows:

Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

The remainder of the resolution is identical with the one I introduced in the House, but I have changed the language in the first sentence in a way I should like to commend to your attention, because I think it is an advisable change in the phraseology of the resolution.

Except in case of attack by armed forces, actual or immediately threatened—

I am now reading from the text of the Senate resolution.

That phrase "immediately threatened" is a very ambiguous one and just what sort of interpretation might be given to it is very uncertain. It might lead to a trumped-up attack of some kind expressly designed to provoke war. I have tried in the redrafting of the resolution that I have been privileged to introduce to meet that situation as follows:

SECTION 1. Except in case of invasion by armed forces, actual or immediately threatened by an approaching military expedition, or attack upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas.

That eliminates the very ambiguous phrase, "Actual or immediately threatened," or modifies it to provide that the threat must be by

an encroaching military expedition. It eliminates the possibility of a misconstruction of a very ambiguous phrase.

I am very much obliged to you for permitting me to take up your time.

Senator WILEY. As I understand it, you are really the father of this resolution. You should get the credit for it.

Representative LUDLOW. I want to thank you, Senator, but a distinguished Representative from your State, James A. Freer, favored it in the House before I was there. It was a defunct baby when I found it, but I have tried to breathe into it the breath of life.

Senator WILEY. I just want to get the chronology in my own mind. Jim was from my own congressional district.

Representative LUDLOW. He advocated that not before I did but before I came to Congress. I assume it no doubt had other support before I introduced it.

Senator WILEY. Did you hear the discussion with a previous witness this morning?

Representative LUDLOW. Yes.

Senator WILEY. What do you think of the double check I suggested?

Representative LUDLOW. I think it is worthy of very serious consideration. I just have one thing to say about it. Under the terms of the resolution introduced in our body and the one pending here, the process of putting it up to the people would be by a concurrent resolution of Congress. Presumably Congress, before it would adopt such a resolution, would think the situation out seriously enough to warrant a declaration of war, and so they refer the question to the people. Under your proposal, after the people act the Congress would have a final vote on a declaration of war. Then it would be quite possible for the Congress on the second round to nullify the rule of the people.

Senator WILEY. That is right.

Representative LUDLOW. You would have what would seem to be a constitutional referendum on war, and still it would not be an actual referendum at all.

Senator WILEY. I agree with you.

Representative LUDLOW. I just wondered if there might not be some consideration given to that phase of it.

Of course, Senator, I think all the consideration that can be given to the question before we actually get into war is highly desirable, and for that reason it impresses me to think soberly over your suggestion; but I also think there is a possibility of establishing what appears to be a constitutional referendum on war, but also in constructing your mechanism to make it so that it will not really be a referendum on war, if Congress chooses to nullify the vote.

Senator HATCH. It would amount to an advisory opinion.

Representative LUDLOW. That would be all.

Senator WILEY. Our purpose is to check war, or "the dogs of war," as Jefferson put it. While we speak of this country as a democracy, and probably it is, but in a clear sense it is not. You would immediately delegate all power to the people.

Representative LUDLOW. I think in this case I would. I believe in a representative form of government, but I think this proposal

transcends everything else. There is nothing so important or tragic as a declaration of war.

Senator WILEY. That is why I believe a double check would be very advantageous.

Representative LUDLOW. It may be a very great advantage. I do not say it is not.

Senator WILEY. The La Follette resolution says: "The people shall have the sole power by a national referendum to declare war or to engage in warfare overseas." Will you give me your interpretation of the words "engage in warfare overseas"?

Representative LUDLOW. I think it means that we cannot send troops to foreign lands until the people authorize it by referendum.

Senator WILEY. It does not go to the extent of international law or neutrality legislation?

Representative LUDLOW. I think not. I am not a lawyer, and perhaps not very well qualified to speak on international law. It may be that language would need redrafting. The purpose is to give the people the right to vote on sending troops into the other hemisphere to engage in war.

Senator WILEY. I think that is very important. You are getting the credit throughout the Nation as being the father of this resolution, and I think we should have that definitely in the record. It is very clear to me that it would not be long before some people would say: "Well, you are engaging in war, either in a philosophical sense or an actual sense, when you aid either combatant by selling munitions or materials that could be used in war."

Representative LUDLOW. By furnishing munitions?

Senator WILEY. Yes.

Representative LUDLOW. That would be an implied participation. I am very much interested in your suggestion. I would like to have you tell me what you think about that.

Senator WILEY. I think it is very important. In the first place, you are taking the right away from a delegated body and that right should be taken away with language that is definite and clear. If it becomes a part of the basic law of the land, and if that means, as you say, to send our boys across the sea, that is one thing; but I can well conceive that immediately a foreign situation would arise, you would have people in both Houses saying we are literally engaging in war.

Representative LUDLOW. I am quite sure that the intent was we should not become engaged in military operations. It had no reference to these collateral matters.

Senator WILEY. I think that is quite important. You are the daddy of it.

Representative LUDLOW. Modesty compels me to say that I am just one of its daddies.

Senator MILLER. I want to suggest to you, in line with some consideration that has been given to the form of the resolution by people who have not heretofore appeared in the open, this feature of it. I would like to have your thought on it, not necessarily now, but if you think well enough of the suggestion I am sure the committee would be glad to have a written statement from you. This has to do with the form of the resolution, to make it in the negative, not taking

away the power of the Congress to declare war, but to limit that power of the Congress by providing that we cannot declare war unless and until the people have authorized it.

Representative LUDLOW. That is a most interesting situation. Congress would retain the power to declare war, unless negated by the people?

Senator MILLER. Yes; leave the general power as it is now, but limit the power specifically, insofar as foreign wars are concerned, unless and until the people advise the Congress by referendum that they are in favor of war.

Representative LUDLOW. What would be the advantage of that?

Senator MILLER. It simply gives a double check.

Representative LUDLOW. In line with Senator Wiley's suggestion?

Senator WILEY. It is directly identical.

Senator MILLER. It is the ordinary constitutional method of handling such a question.

Representative LUDLOW. Well, it has the virtue of retaining the present constitutional system with certain limitations.

Senator MILLER. Yes. I just want you to think about it, and if you think well of it give the committee a statement in writing about it.

Representative LUDLOW. I shall be glad to do so.

Senator WILEY. A declaration of war by the people would not be mandatory on the Congress.

Senator MILLER. It would just be a limitation.

Representative LUDLOW. It would be an advisory procedure.

Thank you very much.

STATEMENT OF PROF. MARY WILHELMINE WILLIAMS, PROFESSOR OF HISTORY AT GAUCHER COLLEGE, BALTIMORE, MD.

Senator HATCH. Please state your name and occupation.

Professor WILLIAMS. Mary Wilhelmine Williams, professor of history, Goucher College, Baltimore, Md. I have taught United States history for about 25 years, and have specialized in diplomatic history of the United States. I have written some works on diplomatic history and have also taught it.

Senator HATCH. Of what works are you the author?

Professor WILLIAMS. Anglo-American-Isthmian diplomacy is one. I also wrote the life of John M. Clayton for the volumes on American Secretaries of State and their Diplomacy. My college textbook entitled "The People and Politics of Latin America" involves a good deal of diplomatic history. Those are the most important works.

Senator HATCH. You may proceed in your own way.

Professor WILLIAMS. I understand that we are to have only 5 minutes. Am I limited to that?

Senator HATCH. We have several witnesses to be heard. The committee has not limited anyone. We have permitted Senator La Follette and his associates to arrange the order. I did not know that there was any limitation, although there may have been.

Professor WILLIAMS. Representative Ludlow wrote me something to that effect.

Representative LUDLOW. I understood there would be a limitation, because there are a good many witnesses to be heard.

Senator HATCH. There are several witnesses.

Representative LUDLOW. I am afraid that I took a good deal more time than I should have taken.

Senator HATCH. Not at all. Your discussion was very interesting and informative.

You may proceed.

Professor WILLIAMS. Mr. Chairman and members of the committee, I am convinced that the proposed amendment to the Constitution will greatly reduce the chances of our making war on foreign soil. For the rank and file of the people, who must bear the brunt of war, will not, in a secret ballot, vote themselves into needless conflict abroad.

People who are concerned over the delay that a referendum will require forget that such a vote would apply only to nondefensive war. There seems to be no way of telling in how short a time a referendum could be held. Various countries, including Switzerland and Australia, have constitutional provisions for referendums, but no referendum seems ever to have been taken with the utmost speed in any of them. Many people, including myself, believe that a referendum could be held here in the United States within a week.

It may be helpful to recall in this connection that in 1898 Congress did not authorize war until 8 days after receiving President McKinley's war message; and that in 1812 it waited 17 days after Madison's recommendations before it declared war. I fail to see how speed can be of much importance in any referendum on a non-defensive war.

Senator HATCH. I quite agree with you on that.

Professor WILLIAMS. That point has been argued a good deal. I think people are unnecessarily concerned about it.

It has been objected that the referendum is a democratic measure, whereas the United States is a republic. It is a democratic republic which has moved steadily toward more direct control of government by the citizens. The adoption of manhood suffrage, woman suffrage, direct election of Senators, preferential primaries, and the initiative, referendum, and recall, give abundant proof of this important change toward democracy. However, the right to vote does not serve its best purpose if it fails to protect from needless sacrifice the life of the voter himself.

Some critics have opposed the resolution on the ground that it would greatly embarrass the Government in its foreign policies. In view of our diplomatic history, I verily believe that it would be well, when war threatens, for the people greatly to embarrass the administration in its foreign policy, for it should be evident to all who read the records with open, unprejudiced minds, that the policies of the Presidents preceding each of our major foreign wars have been weak, blundering, or downright hostile. President Madison was inefficient in 1812; Polk was bellicose in 1846; McKinley was weak in 1898; and in the period 1914 to 1917 Woodrow Wilson showed himself unwise in standing out for the ancient so-called rights of neutrals, and he was also too easily influenced by Colonel House, Secretary Lansing, and others who had succumbed to British propaganda. All of these Presidents brought us into needless wars.

Inclusion of a provision for a war referendum in the Constitution will, I am confident, result in a more wise, just, and pacific foreign policy than has generally been followed in the past. For no administration would be likely to take a hostile attitude toward other governments and thus risk being repudiated and humiliated through an adverse popular vote.

The President has too much power. Of course, we are well aware that at an early date the Executive practically usurped the right to declare war, which the framers of the Constitution placed in the hands of Congress. Every time the President has recommended war, he has had his way; Congress has voted for war. This has come partly from congressional misunderstanding of the diplomatic situation, because the President has failed to reveal important facts, partly through the tremendous pressure which the administration and others are capable of putting on the Members of Congress. I would like to add that the withholding of important information was especially apparent in 1898. McKinley did not present the true situation. I think that is generally believed by historians.

In view of the swollen power of the Executive, I am sure that Congress should not retain the sole nominal right to vote on the question of foreign war.

The most eloquent and significant argument that I know of for the referendum amendment is the fact that, in the interest of peace, many members of both Houses of Congress champion the measure. It is indeed a rare and refreshing phenomenon when any group of people are willing to give up, for the public good, a power to which they are legally entitled.

Senator MILLER. I might add, in connection with your last remark, that the power to declare war is not a power that any Member of Congress wants to exercise.

Professor WILLIAMS. I am very sure of that.

Senator MILLER. It is one of those "bucks" that if, if I had the opportunity to do so, I would be very glad to pass.

Professor WILLIAMS. I appreciate very greatly the pressure that is brought to bear upon members. Congress is a shining mark. Everybody knows the address of the Representatives and Senators, but they would not know the address of John Citizen or Jane Citizen. I feel that the pressure would be less on the man or woman in the street.

Senator WILEY. What do you think of the additional check I suggested?

Professor WILLIAMS. I was rather interested in your suggestion, but it would not be a referendum. It would not be left in the hands of the people. I believe that was when the referendum was discussed some years ago, when Congressman Frear was sponsoring it, the resolution provided that Congress could vote in favor of war only after the people had given permission.

Senator WILEY. We are not interested in the philosophy of things but in the realities. We do not want war.

Professor WILLIAMS. No; we do not want war.

Senator WILEY. We agree on that.

Professor WILLIAMS. I think that Congressman Frear's resolution provided that Congress should not declare war until the people had spoken.

Senator WILEY. That is not my proposition. My proposition is that instead of saying the people shall have the sole right to declare war, to provide by appropriate language that no war can be entered in until, first, the people have declared in favor of war; and, second, a declaration after that by Congress.

Professor WILLIAMS. Yes.

Senator WILEY. You can conceive of a vote of 51 percent in favor of war and 49 percent against it, can you not?

Professor WILLIAMS. Yes. But I think that the people would be less inclined to vote for war than Congress, and if Congress acted it would endorse what the people had done.

Senator WILEY. I could not agree with that.

Professor WILLIAMS. I do not see any harm in it.

Senator WILEY. Can you not see some good in it?

Professor WILLIAMS. On the surface it seems to be a good thing.

Senator HATCH. Yes; it has some possibilities.

Professor WILLIAMS. I think it has.

Senator HATCH. Thank you very much.

STATEMENT OF HON. GEORGE W. GILLIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Senator HATCH. I believe Representative Gillie is the next on the list. You may proceed.

Representative GILLIE. Mr. Chairman, I am here simply representing my own people. When I made my campaign last year that was a very popular question. There was a good deal of talk about this war referendum.

Senator HATCH. Was that one of your campaign issues?

Representative GILLIE. Yes. I think I heard more about this war referendum than any other single thing.

Senator MILLER. That is in Representative Ludlow's State.

Representative GILLIE. I am in the State, but I am in the northeastern corner of Indiana.

Senator WILEY. Did your opponent take the opposite position?

Representative GILLIE. No.

Senator WILEY. You both favored it?

Representative GILLIE. Yes.

Senator HATCH. You may proceed.

Representative GILLIE. I have come before you this morning to outline, as briefly and accurately as possible, the sentiments of my constituents on the proposed war referendum resolution now under consideration.

The question at issue, as I see it, is whether the mothers and fathers of America should have the right to decide whether or not their sons shall be sacrificed on foreign battlefields to settle the quarrels of the old world.

This question was an important issue in my campaign last year, and as a consequence I became intimately acquainted with what thousands of Indiana mothers and fathers, and farmers and workers, think of the war referendum proposal.

Almost without exception they told me: "We're for it!"

With typical Hoosier logic, they inquired: "We vote on the choice for dog-catcher. We vote on bond issues for new schools. Why not vote on war and on the enormous bond issues required to finance modern war?"

Gentlemen, there is only one answer to that question. Why not?

There are those who claim that the war referendum amendment would "tie the hands of the President." That is not true with regard to any foreign policy or proposed war which has majority opinion behind it. No decent President would care to follow a policy or embark on a war lacking the support of such majority opinion.

The citizens of my district love their country and would pour out the last drop of their blood, if necessary, to defend it from attack. But they are bitterly opposed to the idea of sending American soldiers over seas to die in a foreign war.

They have not forgotten the sorrows and the heartaches of the last war, and they are asking, in ever-growing numbers, why they should not have something to say about whether this bitter tragedy is to be repeated.

They are asking why a question which involves their very existence, as well as the welfare and happiness of millions of people, should not be submitted to the people for decision in a national referendum.

Hardly a day goes by that I do not receive dozens of letters from persons urging Congress to adopt legislation, such as the Ludlow measure, to insure permanent peace for the United States.

They run the gamut of the emotions, ranging from pitiful appeals of mothers, fearful lest their sons be sacrificed on foreign battlefields, to strong demands by veterans of the World War, still haunted by memories of its horrible tragedies and atrocities.

Senator HATCH. May I interrupt you?

Representative GILLIE. Yes.

Senator HATCH. The veterans' organizations oppose this amendment.

Representative GILLIE. That may be true.

Senator HATCH. That has been my information.

Representative GILLIE. That is right, but individuals have come to me and urged the war referendum.

Senator MILLER. I think the true stand of the American Legion and other veterans' organizations is that they are opposed to any foreign war, on which I think they are united, but as a means of preventing a foreign war the organizations do not believe in the practicability of this proposal.

Senator HATCH. That is my information. I have not discussed it with any representatives of the organizations.

Representative GILLIE. I got that same information, too.

Senator HATCH. You may proceed. Pardon me for interrupting you.

Representative GILLIE. Typical of the hundreds of letters I have received is one from an Indiana mother, who enclosed a newspaper cartoon picturing a handsome boy, representing "The Flower of American Youth", about to be picked by a warmonger and replanted on a foreign soil. Scrawled across the cartoon was this poignant message: "I have a boy this age, 11 children in all. Please let their

young minds develop in a peaceful environment, not stunted in growth by constant fears of war."

Gentlemen, I implore you, as conscientious representatives of the people, to answer the prayer of this Hoosier mother—and millions of others like her in this great land of ours.

You can do this by reporting favorably on the proposed war referendum amendment.

STATEMENT OF HON. W. P. LAMBERTSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Senator HATCH. You may proceed now, Representative Lambertson.

Representative LAMBERTSON. My name is W. P. Lambertson, Representative from the First District of Kansas.

A am strongly in favor of the Ludlow resolution. I have heard no good argument against it. By the means of radio and various kinds of communication today the people can be very quickly informed. I think I know how the people feel about it. I just came back from my district. I spent 5 days there in the 10 counties of the district. I just got back to Washington this morning. Of all the things they talked about, they were almost unanimous for the Ludlow resolution, not only as an amendment to the Constitution for all time but particularly for this time. They know that probably the amendment would not become effective for some time, even if it passed both Houses at this session or this Congress; but they believe it would have a psychological effect and would prove to be a splendid deterrent on the White House and Congress.

I think we need it now. I think we need it at all times. It is a good thing to have at any time. We saw the situation in the last war, and we never would have been in it if the people could have voted on it. Congress is in the midst of foreign-war propaganda all the time. We pass bills for national defense without argument, no matter how big they are, if the President asks that it be done. No Congress ever denied a President's request for war. If we are going to avoid future wars, it will only be when the people vote on it themselves first.

Senator MILLER. Mr. Lambertson, I appreciate your statement, but you made one remark that I can hardly agree with. You said that had this resolution been effective prior to the declaration of war against Imperial Germany, war would not have been declared. I am of the opinion that the American people were more excited at that time than Congress was. That is just my own opinion. One of the most encouraging indications to me today is that the people of our country themselves are taking more interest in governmental affairs. To my mind, the real thing that is going to preserve our democracy is an educated and enlightened people. Wilson was elected on the ground that he kept us out of war, but you know, and the ladies here know, what happened. The ladies' clubs were urging a declaration of war, ministers were preaching it, bands began playing and flags flying. It took us about 6 months to get the boy who was going to be shot at aroused to the point where he would throw his hat in the air and holler for the opportunity to be shot. That is the thing the people have got to avoid.

Representative LAMBERTSON. When you refer to that election in 1916, everybody knows Wilson had promised it. There is no question about it.

Senator MILLER. He was elected on the ground that he kept us out of war.

Representative LAMBERTSON. I thought you said that such a referendum would not have prevented that war. Did I misunderstand you?

Senator MILLER. No. You know the unpopularity of Members of Congress who voted against a declaration of war?

Representative LAMBERTSON. Yes; after the propaganda had been built up. That is the thing we want to avoid. We were so loyal, when the President asked for war, we could not say no.

Senator MILLER. My position is that, regardless of the outcome of this effort, the proponents of this measure will have rendered a distinct public service and a distinct service to this Government, by arousing the people as to their rights on questions of national and international importance.

Representative LAMBERTSON. I do not think there was any lethargy in 1916, and I know that there is none now. They are no more intelligent now than they were then. They have more and better means of communication. I never heard but one man say that he thought the people were ahead of Congress.

Senator MILLER. You know that old saying that fools rush in where angels fear to tread. I say what I think.

Representative LAMBERTSON. And we respect you for it.

Senator WILEY. You were not here when I made this suggestion the other day. We were talking about the mechanics of government, how this is going to operate so that the public welfare will be real public welfare. The resolution provides that the people shall have the sole power to declare war by a national referendum or to engage in war overseas. I have suggested—and I would like to get your reaction to that suggestion—that the resolution be amended to provide, first, that there could be no war without having the express mandate of the people, so to speak; and then, you must have a declaration of war by Congress. As the resolution now reads, if 51 percent of the people voted in the referendum for war, you would have war. It seems to me that is without question.

Representative LAMBERTSON. I did not comprehend it in that light.

Senator WILEY. I would like to get your reaction to that suggestion. I believe the resolution should be modified so that, first, there could be no declaration of war unless approved by the vote of the people, and even then Congress should have the power to say no.

Representative LAMBERTSON. Possibly you are right. I had not thought about that. I will not quarrel with you over that. I do not know what the attitude of the author of the resolution is on that. You have heard him.

Senator WILEY. He is giving it thought.

Representative LAMBERTSON. If you let the people have a chance to vote on whether we send our boys to foreign shores to fight somebody else's battles, that is the best way I know of to get rid of war.

Senator WILEY. We want to keep out of war. If we ever get into another international melee, everything we think of in terms of value will be destroyed.

Representative LAMBERTSON. Absolutely. My confidence in the people is that they will settle the issue when it is submitted to them. I have spoken before the American Legion posts, some of them, and I had a group of them last Tuesday. Those men are in favor of the resolution, although they had been opposed to it. If the Ludlow resolution were submitted and the people had the right to vote on war, we would not be voting \$750,000,000 for a Navy in the House, and probably \$950,000,000 next year, because it is not for defense, and everybody knows it.

Senator HATCH. Of course, that could not have arisen at this time. We could not have had a vote on it by this time.

Representative LAMBERTSON. Everybody knows that is not a defense navy, and we accepted it. It is the President's Navy. He got what he asked for, and he will get everything he asks for that is for national defense. It is the propaganda that surrounds Washington.

Senator HATCH. Thank you very much.

STATEMENT OF HON. FRANCIS H. CASE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Senator HATCH. Representative Case, we will be glad to hear from you now.

Representative CASE. Mr. Chairman, I am sure the members of this committee, and no doubt the people in this room, are as diligent in their patriotism as any other people in the country. In coming before you I feel that I have the privilege of speaking to people who are concerned with the things that really help the people of the country more than any other question before the Congress.

I have had considerable sympathy with every movement that pointed toward solving the problem of permanent peace. I respect the thoughts and the decisions and the earnestness of the people who make any proposals along that line, although I do not believe all are equally valuable. I have no thought whatever that any single plan will bring peace to the world and make it permanent, but I think that all of them will help very materially to accomplish that great purpose. I have the most profound respect for the sincerity and the patriotism of Representative Ludlow and I voted for consideration of his resolution last year. In the Seventy-fifth Congress I introduced a war-referendum proposal, which has some points of difference from the Ludlow resolution, but which I believe will work toward solving some unanswered questions on the war referendum proposal.

Senator HATCH. Do you have a copy of that?

Representative CASE. Not with me. I have one coming, and I would like to put it in the record.

Senator HATCH. It will be included in the record as a part of your remarks.

(The document referred to is here printed in full, as follows:)

Representative CASE. It seems to me there are two or three questions that have not been satisfactorily answered. One is the inevitable divergence of opinion that will follow, incident to a debate on the question of a declaration of war, and the possible weakening effect of that on our foreign and domestic policies. We have had considerable difference of opinion in the last few weeks on our for-

eign policies, most of which I think has been for the welfare of the country. They are problems that arise out of differences of opinion that we cannot overlook.

We have also seen individuals rise to power in the world who have risen to the position they now occupy either by force or the threat of force. I have not answered in my own mind the question of whether we are maintaining the proper influence in the United States if we serve notice on the world that no declaration of war will be effective until we debate it and there is a referendum vote on it. Those who have achieved their present positions by force or the threat of force would like to feel that with impunity they can destroy even the normal respect a world power is entitled to, and for its citizens abroad who are in danger through no fault of their own.

Senator WILEY. Will you clarify that statement?

Representative CASE. Assuming that we have citizens who might be in some foreign country who are insulted or injured or endangered by military activities, as possibly we have had in China in the last year or two, if the nation which was applying force to the community in which those citizens were located at that time respected only the law of force, I am wondering whether or not we can compel proper respect for our own citizens if we have served notice in advance that we will not employ force until we have had a debate and an election.

Senator WILEY. We are getting to the point where war would mean to engage in warfare overseas.

Representative CASE. I recognize that.

Senator WILEY. Do you mean if we should send one of our battle-ships to rescue citizens in danger on a foreign shore, that would constitute war overseas?

Representative CASE. It might be so interpreted. It seems to me questions of that sort are among the fundamental questions that must be considered in proposing such a constitutional amendment. I do not know that there is any satisfactory solution to that. Obviously, what is in the Constitution is in there for some time. It takes a considerable length of time to change it. That is one thing we have to be careful about.

Senator WILEY. Will you define that language "engage in warfare overseas"? Have you given that any thought?

Representative CASE. Yes; I have given that considerable thought. We have come to the conclusion, I think, that, so far as self-defense is concerned in the territory of the United States, there is no great difference of opinion. Everybody says that there is no question but what we are engaged in war, and that is eliminated from the referendum proposal.

Furthermore, there seems to be a unanimity of opinion that part of the permanent policy of this country is to carry out the principle of the Monroe Doctrine. If I remember correctly, it originally referred to European powers, but in common understanding today, we hold that any attempt by any non-American power would be a violation of the principle, whether in Asia or Europe or anywhere else.

With that thought in mind, and trying to say what I still think is the thing we are aiming for, I threw into the hopper of the House what is known as House Joint Resolution 299, to amend the Consti-

tution to provide that armies raised by conscription shall be used only for defense. It is very simple, and reads as follows:

Congress shall not raise armies by conscription except to defend territory of the United States or to repel an attempt by a non-American power to extend its sovereignty, military power, or political influence in the Americas, and any armed forces so raised in preparation for such defense shall be used only for these purposes.

Senator HATCH. A copy of that resolution will be inserted in the record at this point.

(The resolution referred to is here printed in full, as follows:)

[H. J. Res. 299, 76th Cong., 1st sess.]

JOINT RESOLUTION Proposing an amendment to the Constitution to provide that armies raised by conscription shall be used for purposes of defense only

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"Congress shall not raise armies by conscription except to defend territory of the United States or to repel an attempt by a non-American power to extend its sovereignty, military power, or political influence in the Americas, and any armed forces so raised in preparation for such defense shall be used only for these purposes."

Representative CASE. As nearly as I can determine in my own mind, this amendment would help to accomplish the desired purpose. Many of the boys in the last war went into the war singing that old song: "I don't know yet what the war is about, but I'll bet by jing I'll soon find out." Lots of them never found out. They had no choice in the matter, except those who had enlisted in foreign armies or enlisted in our forces voluntarily. I think a proposal like that might be adopted. I think it would conserve the constructive thinking that has developed in our country along these lines. I think, after all, what we feel is that the sons of United States citizens shall not be forced into foreign wars to fight, if they themselves do not believe the cause justifies their being in it. This amendment would permit an individual referendum.

It is a matter of supplementing the foreign policy of the United States. If the Commander in Chief of the Army and Navy were disposed to send a force to rescue a few citizens from danger in some foreign country, it could be done without anyone saying it violated the Constitution of the United States, but it would prevent the conscription of men without their consent to fight in a war which had no justification in their minds, except for defense, or to repel a non-American power attempting to gain a foothold on this hemisphere.

It seems to me this possibly gets at what we are trying to do in answering the unanswered questions that have been raised on the referendum proposition. It seems to me it answers the question of delay. I hope you will give it consideration along with the other proposal and try to find, if you can, any weakness in it. I have submitted it to several recently who have thought it is likely to achieve what we all really want to achieve.

I thank you.

Senator HATCH. Mr. Case is the last witness this morning.

I have received some communications in opposition to the resolution. I do not want to insert these in the record in the midst of the testimony of the proponents. I have a statement from the Secretary of State and a statement from the National League of Women Voters, which I think should be included in the record after the proponents have concluded. If there is no objection, that may be done.

Tomorrow is the last day set for the proponents. It has been suggested that they may desire some additional time. When they have concluded then a date will be set to hear those who wish to testify in opposition.

The committee will stand adjourned until 10 o'clock tomorrow morning.

(Whereupon, at 12 o'clock noon, the subcommittee adjourned until the following day, Friday, May 19, 1939, at 10 a. m.)

WAR REFERENDUM

FRIDAY, MAY 19, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to adjournment, in the committee room, Capitol, at 10 o'clock a. m., Senator Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman) and Borah.

Present also: Senator Wiley of Wisconsin.

Senator HATCH. The committee will please come to order.

The first witness on the list this morning is Mr. J. G. Luhrsen.

STATEMENT OF J. G. LUHRSEN, EXECUTIVE SECRETARY, RAILWAY LABOR EXECUTIVES' ASSOCIATION

Senator HATCH. Please state your name for the record, and what organization you represent.

Mr. LUHRSEN. My name is J. G. Luhrsen. I am executive secretary and treasurer of the Railway Labor Executives' Association.

Senator HATCH. You may proceed.

Mr. LUHRSEN. I appear before your committee in behalf of the Railway Labor Executives' Association composed of the following organizations members of the association:

- Brotherhood of Locomotive Engineers.
- Brotherhood of Locomotive Firemen and Enginemen.
- Order of Railway Conductors of America.
- Switchmen's Union of North America.
- The Order of Railroad Telegraphers.
- American Train Dispatchers' Association.
- Railway Employees' Department, A. F. of L.
- International Association of Machinists.
- International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America.
- International Brotherhood of Blacksmiths, Drop Forgers, and Helpers.
- Sheet Metal Workers' International Association.
- Brotherhood Railway Carmen of America.
- International Brotherhood of Electrical Workers.
- International Brotherhood of Firemen and Oilers.
- Brotherhood of Firemen and Oilers.
- Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.
- Brotherhood of Maintenance of Way Employees.
- Brotherhood of Railroad Signalmen of America.
- Order of Sleeping Car Conductors.
- National Organization of Masters, Mates, and Pilots of America.
- National Marine Engineers' Beneficial Association.
- International Longshoremens' Association.

The approximate total number of railroad employees at the present time is 950,000, the vast majority of which is represented by the Railway Labor Executives' Association.

As I understand it, this committee is considering Senate Joint Resolution 84, which is in principle identical to House Joint Resolution 89. However, in order to be specific with respect to authority granted me by the association, I suggest that both resolutions 89 and 84 be incorporated in my statement at this point to obviate any possibility of misunderstanding.

Senator HATCH. They have both been printed in the record. I do not think it necessary to print them again. Your statement shows clearly that you appear in support of both resolutions.

Mr. LUHRSEN. During the Seventy-fourth and Seventy-fifth Congresses similar resolutions were introduced providing for a referendum vote before declaring war, except in case of invasion.

In the Seventy-fourth Congress, House Joint Resolution 167 was introduced and I quote from the record of the minutes of the association concerning the action taken:

Prevention of war: House Joint Resolution 167, introduced by Congressman Ludlow was read and after considerable discussion on this resolution and various other bills introduced having for their purpose the prevention of war, the following motion was adopted:

Motion: That the legislative representatives be authorized to cooperate with all worthy organizations and individuals interested in the prevention of war and that they support such legislation as is designed for that purpose; that Congressmen McSwain and Ludlow and Senators Nye and Bone be advised of the action we have taken.

In the Seventy-fifth Congress a similar resolution was introduced and on May 3, 1937, our association adopted the following motion:

Motion. That we endorse this resolution and the national legislative representatives be requested to support the resolution.

In the present Congress, House Joint Resolution 89 was again presented to the association and the record of the minutes disclosed the following:

House Joint Resolution 89: Concerning this legislative bill it was pointed out that the association supported a similar bill in the first session of the Seventy-fourth Congress, and again in May 1937, adopted the following motion: "That we endorse this resolution and the national legislative representatives be requested to support the resolution."

The following motion was adopted by the association:

Motion: That we reaffirm our position on this referendum vote, and that the national legislative representatives be requested to support this resolution.

Since Resolutions 84 and 89 are identical in principle it may be definitely stated that the association endorses the principle of Senate Joint Resolution 84 as well as House Joint Resolution 89.

This subject matter is one in which every citizen of the United States, including women and children, are vitally interested since the boy of ineligible age for war today may be eligible tomorrow. Many of the million or more railroad men and their boys are and will be subject to call in case of war. We do not want war—and the best way to keep out of war is not to get engaged in European affairs, regardless of fallacious propaganda which encourages it.

Mob psychology, brought into existence by the spreading of mischievous propaganda only deceives and misleads. Truth submerged because of a one-sided presentation with facts cunningly omitted enhances a wrong impression and through it all the cherished hopes against war are sacrificed.

To exalt pride and vanity is one choice method, and yet the first evil which God condemns is "a proud look" followed by a "lying tongue."

We know some of the arguments advanced against this legislation and, generally speaking, it is to the effect that the people are not well enough informed; that certain things must of necessity be kept secret between officials of government with respect to other nations; that all kinds of propaganda and politics will be injected in the case of a referendum; and that a delayed decision represents fear. We still believe in the logic that it is more sane to be "a live coward than a dead hero" and that both should have full information and time for deliberation before choosing to be either coward or hero.

One-sided information is one of our greatest trouble makers today. It creates misunderstanding at home and likewise that holds true with respect to foreign relations with other nations. We need to pause and give studied deliberation to whatever is brought to notice, either of evil or of good, and time allowance for choosing as to the preponderance between them is essential.

It seems to us better to temper justice with a forbearance from inflicting harm, than to rant in obscurity, letting our temper control without knowing all of the more salient facts involved.

I know of no better way to illustrate what I mean by such temperament than to briefly cite the handling of disputes to avoid strikes—which is war—between employers and employees under a law enacted by a wise Congress. Under the Railway Labor Act the procedure prescribed permits of cooling time, a governor controlling steam, and time to learn all the facts, then holding conferences, beginning at the bottom and working toward the top, rather than letting only those at the top pass first judgment. This is followed by mediation and conciliation, and if that proves unsuccessful, then arbitration, and if arbitration is declined by either side, then the appointment by the President of an emergency board. Both sides can and do present all of the facts, beginning at the bottom and going up to the top of this machinery, and if either swerves from the truth, the guilty one dwarfs all of his argument, so that the combining and reconciling of opposites by the judges predominates on the side of truth. But even then, when such a decision is made, neither side can declare a war for a period of another 30 days, and by war I mean a strike of the employees or a boycott by managements.

That law has worked very successfully since 1920, or for 19 years. So I conclude that by reducing things to a common understanding and within the sphere of comprehension, people will exercise a better and more sane judgment in making a decision than if such power is vested only in officers of organizations, or officers in public positions.

No officer of any of the railroad organizations assumes the responsibility of declaring a strike until the rank and file has first had the privilege of a referendum vote, and based on this experience, the

Railway Labor Executives Association has repeatedly endorsed legislation which provides for a referendum vote of the people with respect to war. We do not cherish looking forward to Europe as the burial grounds for the present or future posterity. We feel this resolution should be adopted as an amendment to the Constitution.

I might add, Mr. Chairman, that I know our people feel that, if we can bring about an improvement in our own conditions, particularly with respect to unemployment, and paint a picture for the European countries by drawing ourselves as a model, it will be a whole lot better than to get entangled in anything that is happening over in Europe, and for that reason I heartily endorse this resolution.

Senator HATCH. Thank you.

STATEMENT OF HON. ARTHUR CAPPER, A SENATOR IN CONGRESS FROM THE STATE OF KANSAS

Senator HATCH. Senator Capper, if you are ready, you may proceed.

Senator CAPPER. Mr. Chairman, in the last Congress I had a war referendum resolution sponsored by myself, similar to the Ludlow resolution. You will remember that several Members of the Senate had individual resolutions. My resolution was No. 223 in the last Congress. Then we united with Senator La Follette and others on the resolution now pending before your committee.

I first want to present a number of petitions I have here. I have at least several thousand of them, in favor of a war referendum and favoring the pending resolution.

Senator HATCH. Judging from the type of petitions that have already been presented, I presume that they are all about the same.

Senator CAPPER. They are all about the same.

Senator HATCH. There is no use putting them in the record.

Senator CAPPER. No. I just want to file them.

Senator HATCH. They will be filed.

Senator CAPPER. I would like to make a brief statement in support of the resolution. I have been very strongly in favor of the principle for a good many years.

I appear in support of Senate Joint Resolution 84, commonly called the war-referendum resolution. I shall try to be brief.

I believe the intent of the proposed war-referendum amendment is perfectly plain. It is not ambiguous or deceptive. The language states exactly what it means, which is not always the case with legislative proposals.

The only phrase which might be open to misunderstanding, is in section 1, "or to engage in overseas warfare." My understanding of "overseas warfare" is that it means military operations, use of armed force, and, frankly, I do not believe it could be stretched to include "measures short of war."

I mention this because I understand there has been some discussion of what the sponsors of the resolution meant by this language.

Now, as to the resolution as a whole.

Under our Constitution certain powers are delegated to the National Government. Powers not delegated are reserved to the people, or to the States.

One of the powers expressly delegated to the Congress is the power to declare war.

The right of the people to recall such a delegation, or to limit such delegation of power, I believe is not questioned.

The proposed referendum amendment would not recall this delegation of power, but it would limit that delegation to this extent.

In case of attack, actual or immediately threatened, upon the United States or any of its possessions; in case of attack, actual or immediately threatened against any nation in the Western Hemisphere by any non-American nation, Congress would have the same power it now possesses, by delegation from the people through the Constitution, to declare war, to wage war.

The Monroe Doctrine would be implemented and strengthened by the adoption of this proposed amendment, as I view the matter. Possibly this change, or rather this recognition in the Constitution of what is a traditional policy, is in some respects almost as important as the referendum proposed itself.

So much for the present delegated power of Congress to declare war that would be retained by Congress if the proposed amendment became a part of the Constitution.

But if Congress felt the occasion demanded that the United States declare war or engage in warfare overseas—participate in European, Asiatic, or African wars—Congress would have to call a Nation-wide referendum and allow the people to decide whether or not American boys would be sent overseas to fight in other peoples' wars.

There is the whole matter in a nutshell. The people would reserve to themselves the power to decide this particular kind of warfare.

I will admit that as a matter of sound national policy there are good arguments on both sides of this question, but to me those arguments resolve themselves in favor of submission of the amendment to the people to decide.

I will leave it to opponents of the proposal to state the arguments against it. The proposal should have full and free discussion and every consideration. It is not a matter on which I believe snap judgment should be taken.

I will try to state in the next few minutes, briefly and concisely and I hope understandingly, the reasons why I believe the war-referendum amendment should be submitted to the people for ratification and approval. If Congress submits this war-referendum proposal to conventions chosen by the people in each State for the sole purpose of considering this proposed amendment, I have no doubt as to the result. The people will ratify it.

I do not believe we can get away from these realities.

It is the people who fight the wars, die in the wars; it is the people who pay for the wars. I contend it is the people who should decide if we are to have wars of our own choosing—foreign wars; in other words, wars that are not wars in defense of the United States or the integrity of the Western Hemisphere.

There is nothing in the proposed referendum, either directly or by implication, that would prevent or hinder in the slightest degree immediate action in a war of self-defense, and that self-defense includes the protection of all our own territories and all the Western Hemisphere against outside aggression.

It is true the adoption of this amendment would limit the powers of a President and a State Department to meddle and muddle in the diplomatic intrigues, disputes, and struggles for supremacy.

Senator HATCH. I wish I could agree with that statement, that it would limit the power to meddle in foreign affairs.

Senator CAPPER. I do not think there would be as much opportunity to do it.

Senator HATCH. I did not mean to interrupt you.

Senator CAPPER. It would tie the hands of an executive and a State Department that felt the urge, messianic or otherwise, to engage in the game of power politics in the Old World.

But to put it frankly, I consider this an argument for the war-referendum proposal, not an argument against it.

The constitutional powers now delegated to the President by the Constitution will not be restricted or whittled down in the least. The President will remain Commander-in-Chief of the Army and Navy, with full powers to use these instruments of government to the best of his judgment in the interest of the national welfare.

Our State Department will have full power to deal with other governments in any matters affecting the United States; it will have full power to deal with any government in the world not only in matters affecting the United States but in any matters affecting any other nation or nations in the Western Hemisphere.

But the possibility of our State Department being used by European governments as a threat against other governments in the Old World will be minimized, to say the least. And I think that would be a good thing.

Of course, to those who believe that the people of the United States have a rendezvous with destiny—and that destiny is to take the good nations of the Old World under our protecting wing, and to threaten the bad nations of the Old World with the use of the armed forces of the United States if they do not do right by our good nations—to these the hampering of the diplomatic powers of the President and the State Department probably seem highly objectionable.

To me such an objective seems highly desirable. It is not our job to determine the boundary disputes, nor the power disputes, or other European controversies, nor to attempt to police the world.

George Washington and Thomas Jefferson laid down a sound basis for our foreign policy—friendship with all, entangling alliances with none.

If I may trespass 2 minutes more on the time of the committee, I would like to say a few words about our foreign relations, especially as regards European affairs.

As I see it, the American Revolution did far more than just free the Thirteen Colonies from English rule.

The American Revolution freed the American Continent from necessarily taking sides—as pawns—in European disputes, conflicts, and wars.

For 150 years before the Revolution the wars in America were fought over European boundaries and European struggles for supremacy.

The colonial wars were part of Europe's dynastic wars for domination.

During the 150 years since the Revolutionary War we have kept free of these European disputes, excepting for the intervention twenty-some years ago "to make the world safe for democracy"—an intervention that just about ended what democracy there was in the Old World.

Now, if we had had the war referendum amendment in 1914, I doubt very much if some of the steps would have been taken in 1915 and 1916 that inevitably led us into that conflict.

One of the points in favor of the referendum amendment, as I see it, is that it will act as a brake on our diplomats who like to make secret agreements and reach understandings with other diplomats, the result of which will later make it impossible to keep us out of war.

At any rate, if we had had the referendum, and the people when the time came had voted to go to war, it would have been done by the express will of the people. After all, the purpose of government is to serve the people. Government is only the means to that end.

It is true that after the World War the Senate of the United States spoke the will of the people and kept us out of the League of Nations.

But refusal of the Senate nearly 20 years ago to join the League of Nations does not bind any President—I am making no personal references in this case; the matter goes far beyond any individual President—does not bind any President from using the threat of United States power to try to police the world.

It is my contention that a war-referendum provision in the Constitution would act as a check upon such use of power by the Executive and his State Department.

With this provision in the Constitution, I doubt if any President could try the game of bluff and bluster against the so-called "bad" nations of the Old World. It would be outside his province. The people would hold a mortgage on the diplomats so far as their dealing with other diplomats in the Old World on Old World affairs are concerned.

Personally, I do not believe the time has come, or is anyways near in this world, when the United States can enforce peace in Europe, even if that kind of European peace—maintained by force of arms by the United States—were desirable.

Prevention of war will not be accomplished, in the long run, by attempts of one nation or group of nations.

I believe adoption of the war referendum amendment, applying as it does only to foreign wars waged for foreign governments to settle foreign disputes, would be a long step toward preventing the first steps that lead to foreign entanglements that lead to participation in foreign wars.

Senator HATCH. Are there any questions?

Senator WILEY. As I understood you, Senator Capper, you interpret the words "engage in warfare overseas" to mean sending an expeditionary force overseas?

Senator CAPPER. I do.

Senator WILEY. Now, Senator, some days ago we got an idea sitting around the table here. You speak of this referendum as a check on the war dogs. That is what it really is, is it not?

Senator CAPPER. I believe it is.

Senator WILEY. It provides that the people shall have the sole power to declare war through a national referendum. That is a check. My theory is that we should have a double check; that if this referendum goes to the people and the people vote on the question, we first get a direction to Congress, but not a mandate, so that if the vote should happen to be 51 percent in favor of war and 49 percent against war, Congress would still have the power to say there would be no war. What do you think of that?

Senator CAPPER. Well, that is worth considering.

Senator WILEY. In other words, we are not a democracy, but we are a republic, a government of checks and balances. If we adopt this resolution for a referendum, there could be no war unless two things were done: First, the people themselves voting for war; and, second, after that a declaration of war by the Congress; but that the referendum itself would not be a mandate to the Congress.

Senator CAPPER. But I think Congress all the time comes nearer speaking for the people than any other agency of the Government, more so than the State Department or even the President. It is the voice of the people. I would be willing to trust the Congress.

Senator WILEY. You think that double check might prove valuable, do you?

Senator CAPPER. It is a kind of Amos and Andy method.

Senator WILEY. No; there is no Amos and Andy about that.

Senator CAPPER. Check and double check.

Senator WILEY. I see what you mean. I am serious about it, because if in the first place it is important that we have the declaration of the people, it is also important, especially in times of great crises and mental stress, hysteria, and foreign propaganda, to have a Congress that might say, even if the people should vote for war, that there should be no war.

Senator HATCH. Thank you, Senator Capper.

STATEMENT OF HON. GERALD P. NYE, A SENATOR IN CONGRESS FROM THE STATE OF NORTH DAKOTA

Senator HATCH. Senator Nye, the committee will be glad to hear you now.

Senator NYE. Mr. Chairman and gentlemen of the committee, first of all, I want to thank the members of this subcommittee who have been so patient in affording the kind of hearings you have had before you. There has been a tendency on the part of a good many people to belittle the purposes involved in this resolution.

Senator HATCH. I assure you that there is no thought in the minds of the members of this subcommittee to belittle anything so important as this resolution.

Senator NYE. That has been very clearly demonstrated. As one of the authors of the resolution that you are considering, I do have a tremendous interest in it. The record will reveal that in the last session of Congress I was No. 1 to move in that particular direction by offering a joint resolution at that time. I did not imagine, as I sat down to prepare a statement for these hearings, that very much was left to be said. I have listened to a part of the hearings, and it has struck me that there is only one point that I would want to stress upon this occasion.

I join in that resentment which has been expressed to the will of some to make child's play of the effort represented in the proposed referendum on the question of our country's entering into another foreign war. The real purpose involved in this pending question is that of guarding more largely against the possibility of such entry, a move that might very aptly accomplish the complete undoing of our own democracy. Those who would play lightly with such a purpose play lightly with human lives, the lives of our own people.

We must all be quite aware of the existence today of pressure operations in our country, operations that would have us play to this side or that side in Europe's hates and schemes. Propaganda is rampant in our land, some of it open, bold, brazen, and insulting to our intelligence, some of it clever and hidden. How easily this propaganda can be made effective is one of the lessons left by an American experience of 20 years and more ago. We ought to be providing every possible safeguard. I am sure that a most effective weapon would be this proposed amendment to the Constitution.

No act by a government can mean so much to the fortunes of so many people as the act of going to war. To virtually every citizen of the land that act might mean death, broken bodies and minds, broken homes and broken hearts, to say nothing of the debt and altered economy to distress both the warring and the unborn generations.

If ever there was a question to which the people living under a democracy should have a voice in determining the answer, it is this one: "Shall we engage in a foreign war?"

The Constitution left the question of going to war with the Congress. It left the conduct of relations with foreign lands largely with the Executive. Today it must be and is generally acknowledged that this latter power with the Executive is the power to make war.

Senator HATCH. You said that the Constitution left the conduct of foreign relations largely with the Executive. Do you think that is in the Constitution, or has it been developed and built up?

Senator NYE. I think in large measure it has been built up through the years.

Senator HATCH. I do not believe the Constitution left that in the hands of the Executive.

Senator NYE. I am glad to hear you express that belief. Certain it is that, if the framers had that in mind, they did have in mind the belief that the Congress, and particularly the Senate, would be closely advising and consenting in the conduct of those policies.

Senator HATCH. You know that at one time during the Constitutional Convention they seriously considered excluding the Executive altogether.

Senator NYE. That is quite true.

Senator HATCH. With the Constitution as it is, the Senate can initiate a treaty without the consent of the Executive.

Senator NYE. I quite agree with you.

Senator HATCH. It is not at all clear to me that the Constitution left that power in the hands of the Executive.

Senator NYE. Nevertheless, it is true.

Senator HATCH. It is true that it has been built up.

Senator NYE. That has been our accepted theory for many, many years.

The fact remains that the Executive can so conduct foreign relations as to lead easily to a state which leaves Congress no alternative but to declare existing a state of circumstances which the Executive has permitted or helped to bring about. Correctives are definitely called for. One such is a larger knowledge and check by Congress on what the Executive is doing in foreign relationships. Another corrective is to be found in enforcement of the Neutrality Act, which would greatly reduce the danger of our country's being drawn into other people's wars. But this would leave much to be desired insofar as the masses—whose fortunes are so desperately associated with the question of going to war—are concerned.

That "more to be desired" could be substantially afforded by giving to the people a voice, through popular referendum, in the question of declaring war; with, of course, the power to declare it left where it is in the emergency of attack upon our country.

But are the people prepared to pass judgment upon so important a question as that of going into foreign war? Why not? Certainly they are as well prepared to do that as they are to elect Presidents and Representatives and Senators. But can they have access to and know as readily as Congress the issues involved in a given state of causes leading to the question? Again, why not? Would it not be a great victory for democracy if those who would choose going to war were required to go before the public, lay their cards upon the table, and "sell", if they could, their reasoning to the people? It should not be difficult to see how and why a go-to-war advocate would have greater ease in setting the stage required to convince the few (the Congress, subject to quick fires and hates) than to convince the millions who must actually do the fighting, and the dying, and the paying.

But might it not be very dangerous to chance the delay involved in waiting for a referendum of the question of declaring war?

The answer to that question gives what is surely the greatest advantage to be enjoyed through a war referendum. What is wrong with delay in determining to go to war? Delay ought to be considered the wisest course. Delay to permit better survey of the causes inviting us to war. Delay to enable us to weigh, not only the chance of winning the war, but the chance of winning causes for which we will allegedly be spending our lives and resources. Delay which might let men find other ways of accomplishing desired ends without resort to the most wasteful and costly method. Delay that might by chance let hot heads cool. Delay that could be expected to afford clearer vision as to whether the alleged causes in issue are the causes of more than a few, whose interests might be wholly selfish and in no-wise related to the security and well-being of those millions of citizens who must do the warring if war is finally the choice.

The finest place for delay is in the business of starting into war. Could there have been more delay in 1917, combined with a requirement that the people be armed with the facts which seemed to call for war, we might well have been erecting magnificent monuments to "Delay" rather than to the dead who won no cause alleged responsible for our entry into Europe's war.

A constitutional amendment to afford a war referendum would be the greatest victory for democracy since American independence.

I thank you, Mr. Chairman.

Senator HATCH. Are there any questions?

Senator WILEY. You say that at the last session of Congress you headed the list of those introducing war referendum resolutions. Were all these resolutions identical?

Senator NYE. No; they were not. At the last session I think there were no fewer than five or six proposed amendments offered.

Senator HATCH. We did not hold any hearings on any of them at the last session.

Senator NYE. None whatever.

Senator WILEY. Did your resolution contain the phraseology: "The people shall have the sole power to declare war by a national referendum or to engage in war overseas?"

Senator NYE. No; as I think back to it now, the resolution or referendum proposed at that stage was not made so final or so determining a factor in the declaration of war.

Senator WILEY. Might we have a copy of the language of your resolution?

Senator NYE. If I remember rightly, it was Senate Joint Resolution 10 or 20.

Senator WILEY. You are one of the sponsors of Senate Joint Resolution 84 and, as such, I take it that you have reached a conclusion as to the language "engage in warfare overseas." Does that mean an actual expeditionary military force?

Senator NYE. It does.

Senator HATCH. What about sending the marines into a foreign country, as we have done on several occasions?

Senator NYE. I think that would constitute a military expedition.

Senator HATCH. Engaging in warfare?

Senator NYE. Yes.

Senator HATCH. Then we could not send the marines to China to rescue any of our people who were in danger there.

Senator WILEY. I think that is important. I think that you could under this resolution.

Senator HATCH. I do not quite see how you could do that. If you land the marines in Shanghai to save American property or persons, is not that warfare?

Senator WILEY. It depends upon the interpretation of the language I just called attention to.

Senator HATCH. Senator Nye, what do you think about it?

Senator NYE. I think under that language, it has reference to an operation of that kind by the military.

Senator WILEY. Suppose an American warship were sailing in foreign waters, and a submarine, such as we have seen in recent days, attacked that warship, would the ship be justified in defending itself?

Senator NYE. Most assuredly it would.

Senator WILEY. Then that would not be an act of warfare.

Senator NYE. It certainly would be an act of warfare.

Senator WILEY. Then you could not do it without a mandate from the people, under this resolution.

Senator NYE. That would be an attack upon us. In that event, the power to declare war would be vested in Congress.

Senator WILEY. If a foreign nation like China, or any other nation, were to attack our missionaries, as they did in the Boxer Rebellion, then we would not have the right to land our forces there to protect our own citizens?

Senator NYE. Strictly speaking, I would say no.

Senator WILEY. I am glad to get your interpretation. I think the amendment would not go that far. But I think this other proposition is very important. Under this referendum, if the people voted for war, that would be a mandate for war.

Senator NYE. That is right.

Senator WILEY. What do you think of the idea that, if the people voted for war, they should not have the last say, but that Congress should still have to declare war before we would go into war? You might have a referendum with 51 percent voting in favor of war and 49 percent voting against it. Under this resolution, that would mean war.

Senator NYE. Whatever the majority might be in the result of the election, I think it would be a splendid safeguard to leave the final decision with the Congress, providing the power is not left with the Congress to override the finding of the people, if it should be adverse to our going to war.

Senator WILEY. Absolutely. The provision I would like to see is this: That before this Nation could engage in war there must be first an affirmative vote by the people by referendum, and second, an acceptance by Congress of that referendum and a declaration of war, provided, of course, that the vote of the people was not adverse to war.

Senator NYE. Yes. I should be very much inclined to support a change that would afford that double safeguard.

Senator WILEY. It would be a double check.

Senator NYE. Yes.

Senator WILEY. In other words, it seems to me there is some logic and soundness in the idea that we are a republic and not a democracy; and the thought is that you were chosen to come here, not to follow the dictates of your constituents in every respect, but to use your own judgment. By this referendum, if it is amended according to my suggestion, we say: "Congress, you do not have to declare war unless the people first say so, but you do not have to do it even if the people say, under the stress of hysteria, emotion, and propaganda, that there must be war."

Senator NYE. That is quite all right. One thought occurs to me. I am wondering, if we do write into the Constitution a provision of that kind, it will have a tendency to make the public, the electorate, more lax in their determination of their vote upon the subject, on the assumption that Congress will have the last word on it, anyway.

Senator WILEY. Only in case the vote of the public is to declare war.

Senator NYE. That is right.

Senator WILEY. I could not follow that logic. It seems to me your logic, in the first place, means this: That you believe, as Lincoln said, that the judgment of the common people is probably as good as you will find anywhere most of the time, but part of the time you can fool them. If you could fool the people part of the time

so that they would declare for war, that would be a declaration of war. Why not have another check that, even if the people did declare war, there would be no war unless Congress said so?

Senator NYE. I think that is correct.

Senator HATCH. You made a suggestion that might be worth considering.

Senator NYE. It is hard for me to conclude that the people on so important an issue would let themselves be lax, on the assumption that somebody else would have the last say, anyway.

Senator HATCH. On the question of being lax, a good many people would have already been wrought up to the point that they believed we should not engage in war. Congress would have already, in a measure, indicate its belief that we should engage in war by submitting a referendum.

Senator WILEY. I could not agree with that.

Senator HATCH. Congress would not have submitted it unless there was danger of war.

Senator WILEY. I could not agree with that.

Senator HATCH. They would already have indicated their belief that the time was ripe to declare war. If I know the vote is going to be final—

Senator NYE (interposing). Speaking as a Senator?

Senator HATCH. No; as an individual voter. If I know the vote is going to be final, I would know that if it carried there would be war; but if I know that Congress will still have the right to say we will not have war, that might have some influence. I think it is well worth considering.

Senator NYE. I think so.

Senator BORAH. Do you mean to have Congress vote on it after the referendum?

Senator NYE. If the vote favors going to war, the power would still remain with Congress to veto that declaration.

Senator BORAH. Would you be in favor of that?

Senator NYE. I would, providing it does not carry with it the power of Congress to override the people if they voted "no" on that proposition. The Senator from Wisconsin makes the point that the people might come out of the referendum election with a vote of 51 to 49.

Senator WILEY. For war.

Senator BORAH. That is democracy.

Senator NYE. Yes; but again we come back to the point that is so often made that there are times when the Congress is going to have to stand on its own judgment, irrespective of what may seem to be the immediate wish of a small majority. I would be very much inclined to support that double check or safeguard.

Senator WILEY. The information was given to us the other day by Stuart Chase, who said that he had just come from Texas where everything was cool, and he got into New York and found a lot of hysteria. He brought out the very important and significant fact that apparently in New York men's minds were not poised; they were not thinking clearly. I can conceive of such a situation. This is not a democracy; this is a republic. It seems that the idea of the check in the first instance is, as Jefferson said when he made the

check that only Congress could declare war, "We have put a check on the dogs of war." Why not put a double check on it?

Senator BORAH. If we have not enough confidence in the people to let them determine it, let us keep it away from them and determine it ourselves. What is the use of throwing this kind of a proposition into the midst of 130 million people, if you are going to throw it back into Congress? That is not democratic. It is neither democratic nor republican. It is trifling with a great issue; and, if it does not suit you, you will take the other side. It seems to me that you must either allow the people to determine whether they will go into a foreign war or you must leave it to their selected representatives. We would be in the midst of war. Everybody would be agitated. You want to submit it to the people for a vote, and then you want to take it away from them, irrespective of that vote. Do you think you could fool with that proposition for 4 or 5 or 6 months with the people, and another 3 or 4 months in Congress?

Senator WILEY. That is what we want. We want delay. I do not want to put my opinion up against your opinion, Senator Borah; but I have to assert my own judgment. The object is to create mechanics that will stop war. If we can do that, we may save civilization. The next war means a destruction of not only political values but of property values. It means making every nation an autocracy. It seems to me there is nothing illogical or undemocratic about it. If you can have a double brake in an emergency, instead of only one, you have that much more protection. I think we can have a referendum in the course of a week.

Senator BORAH. That is perfectly ridiculous.

Senator WILEY. It is?

Senator BORAH. You might just as well go out and call a town meeting and declare war. You could not have any gatherings, you could not have any debates, you could not have any meetings, you could not have any exchange of views among the people. We would assume the thing as decided before we would start to vote.

Senator WILEY. No. I am saying they could under our present method. I am not saying they should have it.

Senator HATCH. I think when we get into executive session we are going to have a very interesting time discussing all these angles.

Senator BORAH. I will tell you frankly that I have one idea about this matter which pushes me toward this resolution. That is the judgment of the masses as to whether we shall go into a foreign war. If we cannot have that, I do not want to fool with it. I think it would be best to leave it as it now is, unless we are willing to say we are going to abide by the judgment of the people. If they say that they do not want war, we will not have it; if they say they do want war, we will have it. Why not leave it to the people? They must do the fighting and the dying. If we cannot do that, I do not want to fool with the Constitution at all.

Senator NYE. Senator Borah, suppose tomorrow is the day for casting the popular vote on the question of going into a foreign war, and the following day after the vote has been cast, and the result has been made known or may be still uncertain, we here in Congress should discover the existence of some fact or feature that was entirely new. Suppose we should discover the existence of some secret understanding that had been entered into by those who were to become our

allies. In that event, would you not want the power to declare war left here?

Senator BORAH. That leads me to the conclusion that I am against your proposition entirely. If we have to check every few days on something that has happened, we will accomplish nothing.

Senator NYE. You would say that, in spite of any new development that arose after the vote, that should be final?

Senator BORAH. No. I say that makes it impossible to do anything with this at all. That is a complete argument against this. The argument against this is that the representatives of the people know the facts and know the situation, and therefore we must necessarily leave it to them. Here you would submit it to the people and then take it away from them for some reason the representatives themselves might suggest. It is a serious proposition.

Senator NYE. It does seem to me there ought to be that additional safeguard.

Senator BORAH. There are some mighty terrific arguments against this proposition.

Senator WILEY. The same argument Senator Borah made just now, which means you should lodge the power somewhere and leave it there.

Senator BORAH. It does not mean anything of the kind. It simply means we ought to be consistent when we submit it to the people.

STATEMENT OF GEORGE W. HARTMANN, COLUMBIA UNIVERSITY, NEW YORK CITY

Senator HATCH. State your name, your occupation, and whom you represent.

Mr. HARTMANN. My name is George W. Hartmann. I am associate professor of educational psychology, Columbia University; editor, the Social Frontier; president of the Society for the Psychological Study of Social Issues.

Senator HATCH. You may proceed.

Mr. HARTMANN. Mr. Chairman, I am here this morning for the purpose of summarizing the affirmative argument in behalf of this important proposal. The gentlemen of this subcommittee have placed the American public in their debt by holding these hearings and thereby fostering better understanding of the issues involved in limiting the war-making powers of Congress. As an educator I am interested in insuring full and fair discussion of this problem as a basis for intelligent group action, and I earnestly hope that your committee will report the bill, even if you do so without any recommendation.

I assume that any legislative or constitutional change should be supported, if the human and social values thus furthered are deeper and more numerous than those which are adversely affected. It is my conviction that the plan to have the citizens as a whole specifically authorize American participation in armed conflict outside the Western Hemisphere meets this fundamental test and should therefore become part of the highest law of the land.

There are four positive reasons why I favor the so-called peace amendment to the Constitution. First, it represents an extension of the democratic process to one of the most critical areas of contem-

porary life; second, it would be a powerful factor in keeping America out of war, an objective which all but few ardently desire; third, it in no way hampers our ability to keep the North American Continent free from European or Asiatic invasion; fourth, it definitely favors our national economic interests in the present troubled world situation. There are other advantages to a referendum on a foreign war which are corollaries or derivatives of these principal considerations. Taken together they make an irrefutable case for the amendment. May I amplify the preceding points?

The power to declare war is not an ordinary executive or legislative decision. It affects for good or ill the lives of millions in a way that no act concerning a ship canal or a deficiency appropriation possibly can. Inherent in the philosophic concept of democracy is the constant broadening of the base of consent to all major social enterprises. Respect for personality—another aspect of the democratic ideal—requires that individuals who may suffer from the consequences of power vested in public officials and authorities be consulted whenever their destiny is seriously involved. There is no man or group of men with sufficient wisdom to properly be entrusted alone with the vast power to involve an entire nation in war, and wise and honest men are the first to acknowledge this and to ask collective support for their judgment.

As things stand in 1939, the power to plunge this country into a foreign war, although legally and constitutionally conferred upon Congress, is actually in the hands of the President—a power that in my judgment is too vast for any one person to be allowed to wield with safety for the rest of the population.

The temptation to indulge in foreign adventures as a distraction from serious domestic difficulties is a real one that we recognize clearly in other contemporary rulers and in the history of diplomacy. Is there any reason to believe that our own statesmen are wholly free from the possibility of such behavior? Moreover, under present circumstances, the power to declare war is in effect the right to abolish, for a time at least, the institutions and practices of political democracy. In a decision of such cultural gravity all voters must participate if democracy is to be made more than a slogan or a dream.

In his letter opposing the original Ludlow resolution, President Roosevelt declared that the referendum was incompatible with our representative form of government. This is an absurd claim, since many State and local governments make regular use of this technique on comparatively trivial question without losing one whit of their representativeness. Mr. Roosevelt also declared that the President would be hampered in his conduct of foreign relations—a statement which is true only if he thought to initiate a foreign war, in which case we, the people, have every right to interpose a barrier.

What does democracy mean if not the claim to life and free personal development, both of which are plainly jeopardized by entry into war?

One weak clause in our present Constitution may be the Achilles heel that may lead to the destruction of democracy on this continent. Or, to change the figure, the Executive and Congress under normal conditions must discharge the leadership's functions of occupying the driver's seat in the national vehicle; but if an important shift in antic-

ipated destination arises, it would seem but courteous to submit this to the approval of the other passengers. Not to do so is to exercise the essentials of tyranny under another name.

The American Institute of Public Opinion and other sample polls have several times reported a clear majority in favor of the amendment. For your committee not to give due weight to this unambiguous expression of spontaneous sentiment would be to overweight the influence of the minority that stands in opposition to it.

The basic democratic character of the referendum is my chief motive for supporting it, but it is far from being the only one. If adopted, it promises to be one of the most effective means for keeping this country out of war—definitely superior in this respect to the Neutrality Act which was devised to meet the same popular demand. Congress is not elected on war issues, and the historical record shows that it cannot be trusted to keep us at peace, since in times of crises it is always under the President's thumb.

Students of social psychology have observed that the pro-war fever of recent months is most acute in New York and Washington—two centers that are far from being a reliable index of the temper of the rest of the country. A legislator who really wishes to be representative of his constituents can do no better than emancipate himself from the suggestion to stampede that emanate from the capital or Manhattan. In this effort, he would find the referendum a sounder guide than the excited pressure of lobbyists and their administrative allies. Even if they are qualified experts in these matters, the plain people should be the ultimate judges concerning the acceptability of their recommendations.

I have carefully examined all the arguments of those who oppose the principle of a referendum where an offensive war on foreign soil is contemplated, and can find none which is not the product of either misinformation, none-too-subtle rationalization of existing prerogatives, preference for other less feasible means of maintaining international peace, or utter lack of faith in the democratic process. The effective defense of our shores is in no way restricted by this amendment, and the power of Congress to strengthen our armed establishment remains untouched. Indeed, our country is virtually impregnable to assault from abroad. All that is prohibited is our "right" to bombard Hamburg, Naples, or Tokyo without definite authorization from the American electorate. Is that a constraint under which any democratic government should chafe? Or is not democracy in our day dangerously near an empty formalism if it involves anything short of such restraint?

The argument concerning the importance of the time factor in an emergency underestimates the speed and efficiency with which modern referenda can be taken; and since it applies only to foreign expeditions, it does not seem inappropriate for the Nation to spend at least a week reflecting upon the wisdom of such distinctly aggressive action on our part.

The objection that a referendum will weaken the solidarity of the populace and lower war-time morale if war is adopted by a close vote is untenable in the light of what we know about the adjustment of attitudes to a fait accompli. The best evidence indicates that on April 1, 1917, most Americans were still opposed to our active

participation in the World War, yet by June 1, an overwhelming majority was clearly behind the Government. A total reconstruction of the social field had occurred. The same process is almost certain to be repeated in future situations. The important task before us is to prevent such stimuli from arising, particularly since inquiries into mass belief indicate that most Americans now hold we made a mistake in entering the Great War. Is this not likely to be the verdict a generation hence if we deliberately become involved in another conflict?

It seems appropriate on this occasion to emphasize that whatever little good America might indirectly achieve by entering another World War would be far outweighed by the colossal miseries we should meanwhile be inflicting upon ourselves and other peoples. The longer we succeed in postponing war the more likely we are to solve by scientific or technical means the human and social frustrations which make war seem like a lesser evil to some harassed individuals or nations. The referendum under consideration is not a perfect instrument, and it may not prevent war and the resulting social disorganization in all cases, but it certainly diminishes its probability, which is a clear gain to the forces making for world sanity. At the very least, the consciences of Members of Congress will be clear, for they will know that America cannot enter a war of which the people have not approved in advance. Of all countries we are in the best position to set the example which others will eventually follow. Here is a simple but impressive social invention to meet a great need that is not a novelty, but one that has grown steadily in the last quarter of a century. There is no objection to it that is tenable within the system of democratic functions that govern our country. Why not use this device before it becomes too late to save the lives of millions?

Senator HATCH. Are there any questions?

Senator BORAH. How are you going to determine what is a foreign war?

Mr. HARTMANN. That would be subject to the phraseology, I suppose, of a former resolution which did pass both Houses of Congress. It seems to me to mean any war in which the United States is engaged with a country having its geographical site outside the Western Hemisphere.

Senator BORAH. Suppose we pass this resolution as it is now written, and we get into a serious controversy with some foreign power which approaches the point of war; that the situation seems to be such that in order to wage a successful war we must anticipate what this foreign power may do in the way of attacking us and, as a countermove, attack them. We are defending ourselves. The controversy is on, and there is liable to be war between us, and the Commander in Chief of the Army and Navy, the President, says there is only one way to meet that situation. We cannot wait to make that a domestic war. If we do, we are at a disadvantage. Then the Commander in Chief says we must move on, we must attack them. That would not be a foreign war, would it?

Mr. HARTMANN. I should think it would still be a foreign war. If any European power were engaged in a serious controversy with the United States, and the head of our armed forces believed the best thing to do would be to begin an attack on their own coast line in

Europe, it seems to me that would be an act contrary to the spirit of the proposed amendment and should first have the sanction of the American electorate.

Senator BORAH. We passed a bill yesterday providing for two large and very expensive battleships. We have no use for them, so far as defense is concerned. They are obviously armaments of war. Being somewhat familiar with the Oriental situation, we have come to the conclusion that we might use those battleships and use them where they can be used, which would be abroad. We would not use them in protecting San Francisco or the Pacific coast, but our strategists may say there is only one thing to do and that is to attack in the Orient. That would still be a foreign war?

Mr. HARTMANN. Exactly, Senator. I should think that even the high decisions of our major strategists should be subject to review by the populace.

Senator BORAH. Of course, we like to think that about democracy, but there are things which a democracy cannot do. It is just a question of how far we can go in extending the power of democracy. I say frankly that if I could find a practical way by which to say that those who do the fighting and the dying should determine whether they should go abroad for that purpose, that would meet my approval; but I cannot see how you are going to make it work practically.

Mr. HARTMANN. The men and women who would be involved would do the voting.

Senator BORAH. How would you determine whether it was a foreign war, or whether we should get into a foreign war? The situation might change, as was suggested awhile ago, within a fortnight, and it might become a domestic war. It is the practical working out of the thing that it seems to me is what this committee needs a lot of information about. I just make that suggestion.

Senator HATCH. We have had some discussion about the landing of the marines in a foreign country in case of emergency.

Mr. HARTMANN. I should be inclined to feel that would mean a military expedition.

Senator HATCH. The landing of the marines would be engaging in a foreign war?

Mr. HARTMANN. If it were followed by military activities.

Senator HATCH. And it is prohibited by the resolution?

Mr. HARTMANN. I believe so, unless specifically exempted.

Senator HATCH. I mean under the language of the resolution.

Mr. HARTMANN. I think it is the intent of the resolution to forbid that practice in which we have commonly engaged in the past.

Senator WILEY. That was largely in the western hemisphere. But suppose a situation arose in some of the islands of the sea, where they should have a revolution, and an outlaw force would gain control, during which time some of our citizens may be there. Our battleship is in the harbor to protect life. If we land those men for that purpose, do you think that would be an expeditionary force?

Mr. HARTMANN. That probably is a marginal case which probably would cover such a condition.

Senator HATCH. We need to know what it means. When we adopt a constitutional amendment, it ought to be very clear.

Mr. HARTMANN. Yes.

Senator WILEY. To engage in warfare means an expeditionary force?

Mr. HARTMANN. Primarily; even landing the marines in Nicaragua.

Senator BORAH. International law establishes the principle that sending an expeditionary force to protect American citizens is not an act of war, and cannot be held to be such by the nation against whom we send that force. It is not an act of war. If we find some American citizens in Nicaragua who are in danger, as a matter of law we would have a perfect right to send our forces there for the purpose of rescuing these citizens. It would not be regarded in international law and is not so treated as an act of war.

Senator HATCH. Yet some sponsors of the resolution who testified this morning said it would be an act of war.

Senator WILEY. No; I do not believe they said that.

Senator HATCH. I said of those who appeared this morning. I am just trying to find out what the people who sponsor this resolution think about it.

Mr. HARTMANN. I should think the committee or the Congress might introduce a proper amendment to take care of that.

Senator HATCH. I do not mean this exact language. Do you mean to advocate that the resolution should be so drawn as to cover an act of that kind?

Mr. HARTMANN. That would be a present possibility.

Senator WILEY. What do you think of the double check I suggested?

Mr. HARTMANN. That stuck me at first as very interesting, since it applied only in case the electorate voted in the affirmative.

Senator WILEY. Oh, yes.

Mr. BORAH. I am inclined to support Senator Borah's judgment on that now. I think the public should have the last say on it. I think the logic of the situation compels that.

Senator WILEY. After all, we are looking for the mechanics that will prevent a great catastrophe such as war.

Mr. HARTMANN. I take my stand here on the general philosophy of democratic ideals. One thing inherent in that is that the public has the right to commit suicide, if it so desires. Of course, I should do everything possible to prevent its doing so.

Senator WILEY. You would follow logic, then, instead of trying to stop war?

Mr. HARTMANN. As I see it, if you should attempt to operate across the sea, you would have reached the point of departure from the democratic concept, which has not yet involved a complete repudiation of the war technique.

Senator WILEY. You have known of foreign people, who as the result of propaganda, have lost their democratic ideas and become a great machine of war?

Mr. HARTMANN. Exactly.

Senator WILEY. Of course, I know some people are going to say to submit this to the people, and that they have the right to commit suicide. I do not think they have a Christian right or any other right to do so.

Mr. HARTMANN. That is a lack of faith in democracy.

Senator WILEY. You have seen what has happened abroad.

Senator BORAH. If we should adopt a resolution of this kind, we would be the only nation in the world to do so.

Mr. HARTMANN. At first, I believe so.

Senator BORAH. I think for a long time. I cannot imagine any other country in the world adopting a resolution of this kind. England could not adopt a much milder resolution without exempting two-thirds of her territory. It would be the same way with Hitler and Mussolini. What would be our situation with reference to meeting these strategic situations where changes might occur overnight? Would we not be at somewhat of a disadvantage?

Mr. HARTMANN. I do not believe we would be seriously handicapped. The extraordinary model that we would present to the nations of the world would have a great effect upon the people of the rest of the world.

Senator BORAH. It might in time, but there would have to be a very great change in foreign countries.

Mr. HARTMANN. That is granted.

Senator HATCH. A declaration of war is not the cause of war.

Mr. HARTMANN. That is right. It is the last step.

Senator HATCH. The very last step.

Mr. HARTMANN. Nevertheless, it has a certain final quality about it that would suggest that the public should be consulted.

Senator HATCH. If all the other steps which covered a long period of time had been taken, all the causes of war which lead up to the taking of the final step, would either a referendum or an act of Congress prevent war?

Mr. HARTMANN. There is a final chance that it would.

Senator HATCH. We are much more concerned about removing the causes that lead up to the last step.

Mr. HARTMANN. That would be another proposition.

Senator HATCH. If all the causes existed, would not the declaration be likely to be made, wherever the power rested?

Mr. HARTMANN. My answer to that would be that the additional responsibility which the Nation as a whole would assume, if this amendment were to pass and become a part of the Constitution, would no doubt lead to measures whereby the causes of war would be removed.

Senator WILEY. Have you read the joint resolution?

Mr. HARTMANN. Yes.

Senator WILEY. It says "except in case of war actual or immediately threatened." The words "immediately threatened" would bear upon the situation about which Senator Borah spoke when he started questioning you, would it not?

Mr. HARTMANN. With reference to when a foreign war might become a domestic war?

Senator WILEY. Yes. It says "except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions." The words "immediately threatened upon the United States" might apply to that emergency situation Senator Borah spoke of, might it not?

Mr. HARTMANN. I believe it is broad enough to cover that.

Senator WILEY. In that case the Executive and Congress would still have the power.

Mr. HARTMANN. Yes.

Senator WILEY. Your theory is that the sole power should be vested in the people, without the second check upon the declaration of war?

Mr. HARTMANN. I would stand upon that. It seems to me that is inherent in democratic concepts, whereas the other view might involve commitment to a pacifist attitude.

Senator WILEY. No. I think my position means that the people might still give the direction, but every man who comes to Congress is not bound to follow that direction. He may not follow that direction, but may use his judgment and the light and the vision that is given him, in which case he is doing the job the founders thought he should do.

Mr. HARTMANN. I should not feel it would destroy anything essential in the referendum if your proposal were made a part of it. However, it seems to me it might be slightly better without it.

Senator HATCH. Thank you very much for your statement, Mr. Hartmann.

Heretofore we have just taken witnesses whose names have been presented by the sponsors of the resolution. One gentleman, who has been in attendance at all the meetings, would like about 5 minutes. I have not desired to open up the hearings generally to others than those the sponsors have indicated. He is here and would like to be heard. If the committee wants to hear him, he says it will only take 5 minutes.

Senator BORAH. I have no objection.

Senator HATCH. Are you agreeable, Senator Wiley?

Senator WILEY. I will give him 5 minutes.

"Daniel purposed in his heart that he would not defile himself with the King's meat."

STATEMENT OF W. B. DOAK, NATIONAL FARM LOAN ASSOCIATIONS, CLIFTON, FAIRFAX COUNTY, VA.

Senator HATCH. You may proceed.

Mr. DOAK. There are 5,000 of these associations, one or more in every county in the United States. Total membership, counting two to each farm home, a million and a half—the world's largest cooperative.

I wish to call attention to a move we made during the last war. We made a premeditated and unprovoked attack upon an ally after the armistice, without even an act of Congress.

Senator BORAH. To what attack do you have reference?

Mr. DOAK. In December of 1918 we sent an army into Russia in an attempt to force them to pay off the bondholders. Senator Johnson, after quite a struggle, got our doughboys home.

I am strongly in favor of this resolution, to the extent that I should want to give my life and liberty before my two sons and two sons-in-law and other boys be drafted and sent into foreign countries. I say that with all seriousness. We have come to the conclusion that must not be repeated. I have the utmost confidence, respect, and sorrow for the tragic figure of President Wilson, that withered arm, broken body, bewildered brain. No human mind can cope with the subtle deceptions, greed, race hatred, and prejudice of centuries constantly cropping up in foreign diplomacy.

We could furnish no more pungent proof of the vital necessity for placing some restraint upon war-making activities than our Russian campaign—with this the first undeclared war, Uncle Sam set other nations a sorry example. Yet he complains bitterly when Hitler, Stalin, and Mussolini follow copy.

Chickens, like sins, have a way of comin' home to roost.

War time slogans, "Plow that sod, drain that swamp"; "Cut that timber"; "Food will win the war."

The Nation's agriculture, cursed by this abuse of land with dust storms and drouth, flood, and imported pests, a democratic administration of splendid promise—first term—wrecked at sea. General Johnson and other witnesses say our wars have, in the main, come from over the water.

Referendum will certainly ventilate and delay a declaration of war.

Author of liberty,
Protect us by Thy might,
Great God, our King.

"Roots of patriotism are local."—Woodrow Wilson.

We can only be patriotic for America, not for London, Belgium, France, or China, however much these may merit our sympathy.

This hectic period was not without real patriots—innocent men, and women, too, who were jeered and jailed, shadowed and rotten-egged, suffered unconstitutional search and seizure or other persecution. Notably, our prince of peace, Bryan, Camp Clark and son, Claude Kitchen, William Randolph Hearst, Hu Dent, Knutson. Senators Stone, Reed, La Follette, Norris, Borah, Johnson, Gronna, Shields, Lodge, Watson, Frazier, Nye, Bone, Connally, and Capper. Citizens, Debs, Simpson, Dr. Holt. Yes, heroines too Rankin and O'Day along with 50,000 mothers starring in homes left desolate by the "crosses row on row, in Flanders Fields," deluded into the belief they had given birth to save the world for democracy.

"The patriot's God peculiarly Thou art,
His friend, inspirer, guardian, and reward
Oh, never U. S. A. desert,
But still the patriot and the patriot bard
In bright succession raise
Her ornament and guard."

LET US HAVE—PEACE

Mix up a few Hobbs' bills, detention camps, "preparedness day parades" with the tumult and the shouting over "4-minute speeches" or "God save the King," and stage is set for our entrance into another World War which will take what little democracy the last left.

If we had had such a referendum as this, we would never have gone into the last war. Agriculture has suffered greatly as the result of that. The statement was made during the war that we would pontoon the Atlantic if it took every tree on the American continent. One hundred million acres have been practically destroyed. That would have paid the entire Allied debt and a good deal more. The soil damage alone was not less than \$10,000,000,000—floods, dust storms, occasioned by a vicious foreign policy, with the country overrun by European propaganda. We will be up against the very same thing again.

I beg the committee to report this resolution out. It cannot hurt, and it may help. I pay tribute to those great men who voted against war, Senator Stone, Senator Reed, Senator La Follette, Senator Norris, Senator Borah.

Senator BORAH. Do not count me. I voted for war. I would vote for it again under the same circumstances. Whenever America is attacked as she was at that time, I am willing to fight.

Mr. DOAK. Eligibility to this list of patriots has not been based upon a war vote alone, rather on a helpful and, in your case, long and distinguished record against foreign entanglements and upon domestic wisdom, service, and achievement. I would like to read into your record a quotation from the Treaty of Washington in 1878:

A neutral government is bound, first, to use due diligence to prevent the fitting out, arming, or equipping within its jurisdiction of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace. Also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been especially adapted, in whole or in part, within such jurisdiction to warlike use. Second, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of renewal or augmentation of military supplies or arms or the recruitment of men.

Third, to exercise due diligence over its own ports and waters and as to persons within its jurisdiction to prevent any violation of the foregoing obligations and duties. The high contracting parties agree to observe these rules between themselves in the future.

This is our contribution to current discussion on foreign relations. Genuine neutrality is well calculated to bring peace and prosperity, even if it does cut off foreign trade, industrial strife; or war may anyhow.

Foreign trade and financing is a commercial policy and a war breeder and is antagonistic to agrarian interests and farm homes.

Senator HATCH. Thank you very much, Mr. Doak.

Mr. DOAK. Thank you for permitting me to appear before the committee.

Senator HATCH. Today was the last day set for hearing the proponents of the resolution. Senator La Follette has asked for 1 more day. Is it agreeable to give them a further hearing next week?

Senator BORAH. Yes. I want to impress upon our friends that we ought to have some help in the study and analysis of this resolution.

Senator HATCH. I would like to have it.

Senator WILEY. That is what I have been asking for.

Senator BORAH. As to the general principle that we ought not to send our people into a foreign war, there is no difference of opinion. The only question is how to do it, how it may be made effective. We might suggest to the proponents that they bring some witnesses to discuss that phase of it.

Senator HATCH. Will you talk to them?

Senator BORAH. I will say that I have already talked to them.

Senator HATCH. The subcommittee will adjourn to meet next Wednesday at 10:30.

(Whereupon, at 11:30 a. m., the subcommittee adjourned until Wednesday, May 24, 1939, at 10:30 a. m.)

WAR REFERENDUM

WEDNESDAY, MAY 24, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10:30 o'clock in the committee room in the Capitol, Senator Carl A. Hatch (chairman) presiding.

Senator Hatch. It is 10:30 and while the other committee members are not present, probably their engagements are such that they will not be present. I am authorized to proceed with the hearings, and I will ask Mr. Monsman if he will come around first.

STATEMENT OF GERALD MONSMAN, EXECUTIVE SECRETARY OF THE MARYLAND STATE DIVISION OF THE KEEP AMERICA OUT OF WAR CONGRESS

Senator Hatch. Give the reporter your full name, and the name of the organization you represent, Mr. Monsman.

Mr. MONSMAN. My name is Gerald Monsman. I am executive secretary of the Maryland State Division of the Keep America Out of War Congress. I am speaking in my capacity as executive secretary of this Maryland State branch. I happen to be a practicing attorney in Baltimore, and for some time I acted as an attorney with the Department of State. For that reason I am also personally interested in this question.

The Keep America Out of War Congress local in Maryland has affiliated with it various peace organizations, labor groups, and religious organizations; for example, the Baltimore Peace Congress, Consumers Cooperative Club, Youth Committee Against War, Fellowship of Reconciliation, Labor Anti-War Council, the Friends Cooperating Committee, the Brethren Church groups, and the Women's International League for Peace and Freedom. It has, as affiliated and cooperating groups in its work there, the Baltimore Federation of Labor, the International Ladies Garment Workers Union, the United Automobile Workers, and other labor organizations.

The organization, as you will gather from that set-up, is not an exclusively pacifist organization. It is interested in preventing the United States from becoming involved in foreign wars. Personally I am not an absolute pacifist, but I am interested in keeping out of foreign wars.

The reason our organization in Maryland is in favor of the war referendum is that we feel that it is the democratic right of the

people to vote on any issue as important as war and peace. It seems to us that the Gallup polls and other tests of public opinion held in various years from 1935 to the present show that the public is very definitely with those organizations that favor a war referendum. The Gallup polls, as is well known, have shown that two-thirds or more of the citizens of the country are in favor of some type of war referendum.

It seems to us that granting this right to vote on war or peace is merely an extension of our increased democracy. The arguments used against the adoption of this amendment could be used against any extension of democracy—for example, the initiative and the referendum and the recall, and the direct election of Senators. All of these introductions and innovations which give a greater degree of control to the people, have been opposed on the basis that the people were not in a position to make those decisions, did not have adequate information, and so forth. It seems to us that each of those innovations has worked successfully, and that there is no more reason for thinking that the adoption of this amendment would cause any greater difficulty.

The argument that is often used to the effect that the people would be swayed by propaganda and would make no different decision than Congress might make under the circumstances, omits consideration of the fact that it is not merely what the people would do if the question of war or peace were submitted to them, which is important. The very fact that the matter would have to be submitted to them for consideration would serve as a check upon the Executive and the Department of State in time to control their actions.

I think Woodrow Wilson is said to have referred to the initiative, the referendum and the recall as "the gun behind the door" which the people would not have to use very often but which, because it was there, would be an effective means in protecting the people against any undesirable action or want of action; and it seems to me, that this sort of amendment would have that same effect.

The argument that it ties the hands of the Executive too strongly in foreign affairs is an argument which operates in favor of the amendment, rather than against it. The results of the World War and other wars in which the United States has engaged indicate that granting the people a veto power upon our getting into such wars would be a healthy circumstance, rather than a detrimental situation. The argument is often used that Congress is far enough removed from the Executive and the State Department to make an impartial decision as to whether the country ought to go to war or not. We ought to bear in mind that this amendment does not take from the Congress the right to declare war. It gives it absolute authority in case there is a threatened invasion, and if there is no threatened invasion, then Congress is still required to pass on the question whether a referendum should be held or not, and thereafter the matter is referred to the people. That merely gives us an added check. It merely gives the people a veto power, and by being given this added check, we are only carrying out the general principle of our Government—that our Government is one of checks and balances.

Senator HATCH. What would you think about giving the Congress a veto power on the action of the people, if the people voted affirma-

tively for a declaration of war? Does not the question then come back to Congress, with Congress having the power of veto against going to war? That suggestion has been made several times in the committee, and I thought you might like to discuss it. One of the committee members thinks very well of it. Senator Nye expressed himself as favorable to it.

Mr. MONSMAN. I do not see that there should be any practical objection. It might strengthen the situation, especially if Congress felt that after the referendum had been taken, there was a change of circumstances which would make the going to war unnecessary; that, for example, negotiations had been set up. I do not think there would be any objection to that. Or, it occurs to me that to avoid having Congress reverse a popular vote, the amendment might be so worded that a negative vote would be absolutely binding on Congress, but that an affirmative vote would merely constitute an authorization to declare war, if Congress deemed such action necessary.

The argument is often made that the people do not know enough about the intricacies of diplomacy and international relations to make a decision in this matter. Although it is true that the people do not know much about the intricacies of diplomacy, they do know whether a situation has reached the point at which they are willing to fight and to shed their blood. The same objection can be raised against all the referendums that are now being used throughout the States. The people, for example, do not know the intricacies of the engineering problems in making road constructions, highway constructions, and so forth, and yet they are asked to vote on whether they want to appropriate money for the purpose. They do not know the educational details—

Senator HATCH (interposing). Is that by direct vote?

Mr. MONSMAN. There are States that have referendums when appropriations are required for certain constructions within the State, new loans or appropriations for highway purposes or for construction of schools, public buildings, and so forth. Those matters frequently are referred by the States to popular referendum of the people.

Senator HATCH. Bond issues are what you are talking about?

Mr. MONSMAN. That is right.

Senator HATCH. I was thinking you were speaking of appropriations. I just know of no State where appropriations are voted on by the people.

Mr. MONSMAN. The point I had in mind is that in order to be able to make the appropriations—

Senator HATCH (interposing). They have to find the money, sometimes?

Mr. MONSMAN. Yes; and in order to do that the people frequently have to authorize the community, by referendum, to float the bonds, or to create the indebtedness.

With reference to the argument, further, that the people are not so well acquainted with the situation, and that the State Department and the Executive are the ones who are in possession of all the facts and should, therefore, have as full a control of the decisions as possible, the counterargument can be made that the State De-

partment and the Executive knows too much about the situation to make an impartial and dispassionate decision in the matter of war or peace.

The type of thing I have in mind is something based upon my experience in the Department of State as an attorney. I was for some time connected with the American agency of the General Claims Arbitration between the United States and Mexico. It was our duty to draft the pleadings, write the briefs, and so forth, for submission to International Commissioners in the settlement of claims between Mexico and the United States.

Now what I am saying with reference to that is, of course, in no way any criticism of that work. I think we can feel very proud of the way our State Department is being conducted, and the type of work that is being done there.

The only thing I wish to comment on is the inevitable concomitants of conducting that type of work. We may be able to draw an analogy from what takes place in that type of international arbitration work, to what occurs in negotiations conducted by the State Department with foreign countries, when matters are in dispute which might lead to war.

The point I have in mind is this: When we had written a brief, presenting the case of a citizen of the United States for a particular claim, and we received a particularly caustic answer in the reply brief, it naturally had the tendency to set up certain irritations. We thought we had presented the case properly and with justice on our side. We had put the case as fairly as we could, and thought we had logic on our side. Then if we received in return something which we thought was not particularly well stated, but was nevertheless very caustic, it had the tendency of setting up inevitable irritations.

Now, when you spread that thing over a wider area of negotiations of one foreign office with another foreign office, that sort of thing is bound to happen over and over, especially when the situation is growing very tense. For that reason the Department of State and the Executive, in conducting those negotiations, are apt to lose their objectivity.

Moreover, those who conduct foreign negotiations are apt to get into the frame of mind of wanting to win their case and slip into the attitude of an attorney in presenting his case to the court. He wants to win the case and wants to get favorable action on it. That type of thing engenders a critical attitude toward an opponent, and deprives the negotiator of objectivity.

Further, it results in giving the party who is conducting the negotiations such a thorough knowledge of his opponent's general characteristics, and what he thinks to be the unreasonableness of his opponent's position, or his general weaknesses, that it increases this critical attitude and may even arouse an attitude of indignation.

Then, the contacts which the conductors of these negotiations may have with the opposing party bring them in close contact with the varying racial and national characteristics, and so forth, and that has a definite tendency to set up irritations.

Further, the particular interest in the cause which the negotiators are espousing and their sincere interest in the justice of their cause

is apt to create in their minds a magnification of the rightness of their position and the wrongness of the other party's position. That has had the effect, which we are noticing in the administration now, of dividing all peoples and nations very definitely into peace-loving and war-making, into treaty-breaking and treaty-keeping nations. You get the contrast between black and white more sharply drawn than you ought to have in the mind of one who is to exercise an unbiased judgment in the matter.

You have a situation created where the Department of State and the Executive have acted throughout as the prosecuting attorneys of the particular interests of our country, and therefore are not in a sufficiently impartial state of mind to act as a jury on the question of whether the people ought to be brought into a war. We would not let a prosecuting attorney decide a criminal's fate. We do not even leave that to a judge, but take an impartial jury to decide that—men who do not know the intricacies of criminal law at all, men who are not half so well acquainted with the case as the prosecuting attorney; yet, just because they are not so well acquainted, we give the decision to them.

Now, it seems to me we might argue in favor of this amendment on the basis of this analogy. For although the people are not as well and as thoroughly acquainted with the intricacies of international law and diplomacy as is the Department of State, they are sufficiently acquainted to know whether the dispute with a foreign country has reached the point where they are ready to make the supreme sacrifice in order to win their case.

Inasmuch as the amendment merely proposes a check, a veto power by the people on the judgment and discretion in these matters of the Congress, it seems to me that it would be a very beneficial innovation in the American conduct of foreign affairs, and that it would be in keeping with the progressively greater measure of democracy and control of public institutions which has been granted our people.

I thank you.

Senator HATCH. Thank you, Mr. Monsman.

Senator BONE, your name appears last here on this list of witnesses. We have several this morning.

Senator BONE. I am only going to take just a couple of minutes.

Senator HATCH. Would you care to make your statement now?

Senator BONE. Yes; I have no prepared statement.

Senator Hatch. All right. We will hear from Senator Bone. That is a courtesy that we always extend to Senators and Congressmen.

STATEMENT OF SENATOR HOMER T. BONE, OF THE STATE OF WASHINGTON

Senator BONE. Mr. Chairman, I will not intrude on the time of the witnesses who probably have much more to offer than I have. In order not to encumber this record with a lengthy statement, which would be probably at most rather repetitious, I want to say that I have read the statements of Mr. Stuart Chase and Senator La Follette. I have not had the opportunity to read other statements that have been tendered to the committee. I would content myself with

saying that, in the by and large, the two statements that I have mentioned summarize rather completely my own views on this situation.

Senator HATCH. They were very able statements.

Senator BONE. Mr. Chase has prepared what seems to be a much more comprehensive statement than that presented by Senator La Follette, for reasons which of course will be obvious, the Senator, like myself, wanting to conserve time and space.

I share Mr. Chase's views about what constitutes our proper relationship with and attitude toward foreign problems now. The very reason that the world is what it is today, and by reason of scientific changes, is utilized as an excuse for our getting into trouble, but it also makes convenience of access to trouble much more open to us, much more dangerous. When it took weeks to cross the Atlantic Ocean with a sailing ship, the problem was more simple. Today it is far from being simple. It is much easier for an indiscreet man to do something which would get the country into war, and I do not think that this Congress or any one human being in this country has a right to send my boy and millions of other boys out to be butchered, without giving the people a chance to say whether they want to commit suicide—for a new international war means suicide for the Republic, and if people are going to commit suicide, I want them to be their own executioners.

Senator HATCH. It ought to be their own voluntary act?

Senator BONE. I do not want to execute them by my order here. God never made a man smart enough to assume that responsibility and execute it, as a man ought to execute such a duty. I am rather cold blooded about it—if the American people want to commit suicide, and they know it, let them commit suicide. It is not the act of a Pontius Pilate to wash your hands. The people nowadays with the finest school system in the world and with all the educational advantages that this Republic has given them, if they deliberately elect to commit suicide then perhaps it is just as well that they elect to go that route, because even the grace of God cannot save people who deliberately elect to commit suicide.

This mechanism set up in this bill is in my judgment a simple way of letting the people decide whether they want to commit suicide. I am wholly and 100 percent in complete accord with those who have stated, and I think with utmost accuracy, that another international conflict in which we participate will wreck Western civilization. That in my judgment would be a minimum of the social damage it would inflict, and at any cost I would keep my country out of that sort of conflict and make the one last desperate throw of the dice to preserve civilization here in America. If the rest of the world wants to commit suicide, let them do it. I have long since passed the point where I want to see this country on any more world-saving expeditions. I have too little use for the rest of the world, with its endless round of centuries of stupidities. I do not want my boy to die to bring any more sanity and sense to people who for 2,000 years have found bloodshed the route to the settlement of their disputes.

I think that is perhaps, in rather circuitous fashion, stating my own views. It is why I have introduced bills, or helped introduce bills like this, tax bills, and other expedients to keep this country out of war.

We confront the assertion of men of every walk of life, the President included, who have told us plainly—and if they did not mean it then they were guilty of the greatest offense a man could commit—that another war in which we participated would destroy us. Well, what could they expect men like me to do? Vote to destroy my Republic which is the conservation of 60 centuries of human progress?

That is why I am on this bill.

Senator HATCH. Senator, you may have made a very good argument against the referendum. With men in the Congress of the United States entertaining the views you hold, it may be a pretty safe place in which to leave the decision of peace or war.

Senator BONE. I wish, Senator Hatch, I could feel that they do, but I have seen men stand up in the body of which I am a member and indicate it might be a good thing to send our boys overseas, and I just feel the heckles on my back stand out at that kind of statement, although it was made by a very fine gentleman who I think has the finest of motives, but it is simply the impulse to go again to some foreign country in a faint effort to establish democracy, when the first effect of a war—and I think these folks in this room ought to know it—the first effect of a war would be the introduction and the immediate passage of bills in this country that would destroy the last vestige of democracy here. If you are at all curious, get these War Department bills that are part of the war mobilization plans. They start out, "The President may—the President may—the President may"—blanket authority for the President to do anything he pleases, from the management of and the control over the services of every human being under the flag, to setting aside laws of the United States, civil or criminal, either in whole or in part. There is a complete dictatorial control over business embodied in those laws. The people of this country in their wildest flights of fancy have never contemplated anything in America such as is embodied in these bills. It would take the fancy of a hashish eater or a smoker of marihuana in America to contemplate the possibility of that passage of that kind of legislation, and that is what war will impose on our America; and so our first effort to enthrone democracy somewhere would be to destroy it in America, and I would stop that at all hazards. I know, when guns begin to blaze in Europe or anywhere else, when men see a chance to make a lot of money out of a traffic, that these war hucksters will be in trouble again, their ships will be sunk, and we will be in another beautiful sutler's war. The last, I think, finally did rise to the dignity of a sutler's war. The ships were being sunk, somebody's privileges were being interfered with, and we sent the boys out to die in that kind of cause. I have no use for it. I think it is a stench.

Now, having made my views very plain, I hope that I have not offended the good folks who are present.

Senator HATCH. You always make your views plain, Senator.

Senator BONE. If I have not offended the classical and gentlemanly chairman, I will now leave.

Senator HATCH. We are glad to have had your statement. I still say you made a very good argument for leaving this power in the hands of Congress.

STATEMENT OF O. K. ARMSTRONG, EX-SERVICE MAN AND MEMBER OF THE AMERICAN LEGION

Senator HATCH. Mr. Armstrong, you are from Springfield, Mo.?

Mr. ARMSTRONG. Yes, Senator.

Senator HATCH. I am told, Mr. Armstrong, that you have had several connections with the American Legion. Will you please set forth those connections for the benefit of the record. Those who do not hear your testimony may want to know something about the witnesses, who they are, and what they do.

Mr. ARMSTRONG. Yes, sir; I will be glad to do so. I am an ex-service man and member of the American Legion. For the last 8 years I have been a member of the National Committee of the American Legion on Child Welfare. For the last 9 years I have been chairman of the department committee of the American Legion in Missouri on child welfare. I am chairman of my post committee on Americanism. For the last 12 years I have been writing for the American Legion Magazine. I represented the American Legion with the delegates to the Interallied Peace Congress known as Fidaç, in the congress held in Paris in October 1937.

May I say, Senator, and to the members of the committee, that I am not representing the American Legion on this resolution. I am speaking only for myself as a member of the American Legion.

May I add further that the American Legion does not have any mandates covering the general question of war referendum. The American Legion has a very definite peace program, it has very definite programs on national defense and other matters, but no American Legion national convention has ever mandated the American Legion on this particular subject.

I emphasize that because no one who might appear before this committee could speak for the American Legion as an organization. If they appear here, they appear as I do, for or against the resolution, as individual members of the Legion and as individual American citizens.

I am speaking on behalf of the resolution, because I feel that the voice of ex-service men who favor it should be heard. I might mention that in the New York convention of the American Legion I was secretary of the committee on world peace and foreign relations, with a committee of some 36 members. In a direct vote as to endorsement of the principle of the war referendum item, the resolution lost by a majority of one. I think that indicates a fairly sharp line of division among the American Legion members the country over, as to the advisability of the Legion taking a stand upon it.

I do feel that there are some things connected with the general subject of a war referendum on which I can speak for a vast majority of the ex-service men, and that is, that we favor this referendum because we feel, first of all, it is squarely in keeping with our general American policy toward war. What is that policy? I am informed that the policy of our Government and of our people is that we have agreed to outlaw war. We have made a very definite statement—we, the people of America, speaking through those who wrote the Kellogg-Briand Pact—that we would not resort to war but would through peaceful means settle international difficulties. That pact was proclaimed solemnly in the name of the American

people. If the American people desire to turn their backs on that policy they should be consulted and should raise their voices on the matter. Bear in mind that I am speaking, of course, to the resolution—that is, in its application to a foreign war.

Senator HATCH. Of course, they never voted on adopting that policy, did they, Mr. Armstrong.

Mr. ARMSTRONG. But it was adopted in the name of the people of America; is that not true?

Senator HATCH. By their representatives.

Mr. ARMSTRONG. By the representatives, that is right. Now, if that has become the policy of our Government and of our people—that is the point I am making—then before our Government turns its back upon the policy, the people in whose name it was done should be consulted. It is true that the pact did not change the Constitution. Congress still has the power and the responsibility of declaring war. But it seems to me, and it seems to many of us, that a change of the constitutional power logically should follow.

Senator HATCH. I do not find fault with your argument, but I do have a little difficulty following the logic.

Mr. ARMSTRONG. When the Constitution was adopted it would have been unthinkable it seems to me to have placed the power of declaring war in the hands of the people. Today I do not need to remind the distinguished Senator and this committee, because you have been reminded of it so many times doubtless, conditions have changed. It seems to me they have changed to such an extent that the average high-school boy today knows more about world affairs than the average Congressman did in the time of George Washington. We are better informed. We know, not day by day, but literally minute by minute, what is going on in the world.

Now it is true that someone has to formulate the policies, but another change has come about which needs to be emphasized, and it is this: At the time when our Constitution was written, war was a very definite policy for settling international difficulties, because it did settle those difficulties. Force of arms actually brought about a settlement of questions. It has now become a part of the thinking of intelligent American people that no future war could settle any question.

It might bring about an adjustment through force that would be temporary, but it could only be temporary. Those of us who wore the uniform of our country in the last war have but to look back to the so-called settlement of that conflict, and what has happened since, to realize the truth of that statement.

We feel therefore that the people are at least able to judge as to the wisdom of sending their sons and neighbor's sons to fight in another foreign war.

In the second place, we have a feeling that the people desire and should have a veto power over foreign wars. Let me emphasize that I consider it would be in the nature of a veto. The representatives of the people of course in our Congress make the laws. Objectors to this resolution say that this is a republican form of government, therefore we should trust those whom we have elected to make our laws to formulate our policies. Yes, I agree with that, but a very definite exception must be made on this question, for this reason. Generally speaking our representatives in the Senate and the House of Representatives do make our laws and formulate our policies. On the mat-

ter of foreign policies, that is not true, in the major sense. I do not need to tell the members of this committee, who understand the Constitution far better than I do, that it is in their constitutional power to formulate our foreign policy. It is. Many of us who are American citizens today are wondering why the representatives of the people do not take over the policy-making responsibility so far as foreign affairs are concerned.

Senator HATCH. It is hardly fair to charge that against the present legislative branch. That has been going on ever since the country started. That has grown up.

Mr. ARMSTRONG. Yes; that is true. It is based largely on custom.

Senator HATCH. Yes; that was formulated years and years ago.

Mr. ARMSTRONG. The Chief Executive of course is Commander in Chief of the Army and the Navy. He has in his department our foreign relations; that is, the Department of State.

Senator HATCH. Do not misunderstand me. I would like to see especially the Senate, with which is lodged the power, I think as you have said, to initiate treaties ourselves—I think it would be better if we did have a greater control over foreign policy.

Mr. ARMSTRONG. And I mean not only treaties, I mean actual statements of policy.

Senator HATCH. Yes; I think so.

Mr. ARMSTRONG. The cry has gone up, Senator—and you know it, sir—from intelligent people the country over, "What is our foreign policy?" I have not heard any definite answer. I have heard the answer that our foreign policy is made as emergencies or exigencies arise.

It seems to me it should be flexible enough of course to take care of all conditions as they arise, but there should be a backlog of foreign policy to be expressed for the people and on their behalf by their representatives.

Senator HATCH. That is right.

Mr. ARMSTRONG. Then, following that to its logical conclusion, although the representatives of the people have the constitutional power to declare war, actually the President of this Nation, whoever he may be, has the power to lead this country squarely into a condition of war. Then he comes before the Congress and asks Congress to ratify or to make legal let us say that condition.

The people should have a veto power over the policy-making power of the Executive or of Congress, so that they will say whether they are to engage in foreign wars.

Let me emphasize again that it would be a veto power, because I visualize that should conditions come about where the Congress would ask the people for a vote under this resolution, that would mean that they themselves, the Congress, were ready to vote upon the matter. They would simply be asking for the immediate sentiment of the people. The people then could veto the idea if they cared to.

Now, in the first place, we feel that this resolution would strengthen our diplomacy. I anticipate right there a shower of objections. It is felt that this would weaken our diplomacy. In the poker game of power politics today they tell us we should be able to threaten, we should be able to use our Navy and our armed forces to instill fear into those with whom we are dealing, and show them that we mean business. Yes; I admit it would weaken our diplomacy; that is, based

upon threats. It would weaken diplomacy based upon the actions of those who represent us, when such actions are intended to remain secret. It would weaken the diplomacy of force and fear; I grant that; but many of us are asking, in Heaven's name, if it is not time to do that very thing.

What has that type of diplomacy done to us in the past? It has brought us into wars. It will do the same for us in the future. Is there another type of diplomacy, of dealing for example with the Japanese people, than to threaten them with guns in the Pacific and fortifications of Guam, and so on? Is there no other type of diplomacy for dealing with the German people than to make it clear to them every day by every means at our command that we intend to fight them again on European soil? Or Italy? Or any other nation?

I know it is contended that force rules the world today, and let us admit that there are those rulers temporarily in power who are gaining their ends by threats and by military action, yet I say to this distinguished committee that the people of those nations do not want war any more than we, the American people, want it. It is true that in this democracy we have a voice in our Government, and they have practically no voice, but it is also true that they do not want war. I know that when the peace of Munich was signed expression was given to that desire for peace on the part of the people in Europe.

Now we feel that the world is ready for a type of diplomacy that says, "Our people do not want war, your people" speaking of a foreign nation "do not want war; it is time for us to settle difficulties that exist between us by peaceful means. As evidence of our determination to do that, we, the American people, have been given the responsibility and the duty to declare foreign wars. We who represent them, our Senators and Congressmen in the legislative branch of our Government, we who represent the American people in the Executive Branch of the Government, cannot force it into war against you without our consent, unless you force them into war yourselves. Unless you come to threaten us in our hemisphere, or unless they by a solemn vote say they will go to war, there will be no war between us."

We feel, I say, it is time to follow such a diplomacy as that. Such an example, rather than being a signal, as some timid souls seem to feel, for intensified plots and plans of our enemies to come to destroy us, many of us feel it would bring a ray of hope to the people of other nations. We could then begin to build what we should have been building for all these years since we who wore the uniforms of our country returned from France, and that is a diplomacy based not upon threats but based upon an intelligent determination to discover what are the problems of these problem nations and to set about trying to solve them.

It is the type of diplomacy, let me say, that many of us feel is exemplified by the head of our Department of State in his efforts to adjust world trade by reciprocal trade relations.

May I say in conclusion that I anticipate from some of my comrades and some of my distinguished comrades and some of my fellow members of the American Legion the argument that this would weaken our defense policy. I hope the members of this committee and of the Senate will not be influenced by that argument, because we have no desire to weaken our defense, whatever it is; and in what-

ever channel our national defense might have to be shifted, we would not oppose it; but we do not feel that our defense would be harmed in the least by allowing the people to vote upon a foreign war. We are not attacking appropriations or efforts of our Government to protect our shores and to protect our interests and our trade, but we feel that it is time to know whether the policy of our Government is already formulated to such an extent, let us say, that it is a part of our national defense policy that if war starts in Europe we are to take care of Japan in the Pacific, on the assumption that war with Japan would be inevitable.

It seems to me that we should allow people to vote even upon policies of national defense, if that is what they are. Any national defense policy or any policy of diplomacy that is so hostile to neighboring nations that it must be kept secret is not worthy of America or of our Government.

Do not let them tell this committee that there would not be time for a vote of the people. This does not apply I take it to threats of invasion in this hemisphere. It applies only to the studied, deliberate action of sending American boys across the world to fight and die on foreign soil and in foreign waters. Do not let them say that "the best defense is a vigorous offense," that we must not allow the war to come to our shores. Those who say that think only in terms of our dabbling in Old World power politics, and the inevitable result of it. They say it would be a blow at the democracies of Europe, and I answer that, and I think I speak for the vast majority of those who fought in the last war when I say that we have now come to the realization, as the distinguished Senator from Washington said a moment ago, that the first casualty of another general war would be democracy itself in this country and in every country under the sun.

All we ask is that we be given a chance to build anew the type of diplomacy that we want to see our country engaged in, based upon trust, cooperation, and understanding among the nations, so that our own boys may live their lives in an atmosphere of peace, carrying out these very ideals that my great organization, the American Legion, stands for—the ideals and principles of freedom, democracy, and justice.

Thank you, Senator.

Senator HATCH. Thank you very much.

Mr. ARMSTRONG. Were there any further comments you care to make, Senator, or could I answer any questions?

Senator HATCH. Not now. We have several witnesses. We will have to give them an opportunity to be heard, Mr. Armstrong.

Mr. ARMSTRONG. All right.

Senator HATCH. Miss Dorothy Detzer.

STATEMENT OF MISS DOROTHY DETZER, SECRETARY, WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

Senator HATCH. State your name and your position.

Miss DETZER. I am Miss Dorothy Detzer. I am national secretary of the Women's International League for Peace and Freedom. It is an international organization with sections in about 20 countries and membership in every State in the Union.

Mr. Chairman, during the past few weeks some of us have been following very attentively the testimony which has been presented to this committee on the war referendum. We have followed as well the questions which you, Mr. Chairman, and other members of this committee have raised.

As we review the testimony, we find that the record contains a comprehensive array of material in favor of the principle of the war referendum. Particularly we refer to that excellent analysis given the first day of the hearings by Morris Ernst on the historical development of the democratic process which would appear to lead logically in the direction of such an amendment as the pending measure. The record contains, also, as you will recall, such important material as that submitted by Stuart Chase, which, as Senator Bone just mentioned it, so clearly outlined not only the vast geographic advantage of the United States but also the magnificent superiority which our country has in both raw materials and in industrial development—a fact which he contended, you will recall, could make us self-sufficient should we desire to keep out of another conflict in Europe.

But we do not propose today to repeat any of this testimony or to retrace the arguments so ably presented by Senators La Follette, Nye, and Capper, and various Members of the House. What we hope to do, however, is to answer some of the questions which have been raised by this committee. In marshalling them together, we have found that there are 12 specific questions which members of the committee apparently do not feel have been adequately covered. Mrs. Boeckel and Mr. Raushenbush, who are going to follow me, and I have divided these questions between us and we hope that we may be able to contribute some clarification to the problems which you gentlemen have raised. I want to try to deal, if I may, with four questions which have been asked at these hearings. Now, the four I want to take are these:

First. Is not the idea of a war referendum a broken reed which will encourage the American people to believe that they are forever safe against the dangers of war—should we not therefore, start working to keep out of war by dealing with the problems which might arise long before the question of declaring war is before the country?

Senator HATCH. I think I asked that question myself, so go ahead.

Miss DERZER. I think you did, Senator.

The second question I want to answer is, second, Would not propaganda play a larger part in a referendum than in a vote by the Congress? What would be the effect of this propaganda drive? Third, How much time would be needed to take a referendum? Fourth, Would there not be an advantage in giving the Congress a veto vote over the affirmative referendum vote for war—in other words, should there not be another check on going to war?

Now those are questions I am going to try to answer. Now, the first one, your question: May I say to begin with that those of us who are in the peace movement recognize this objection as a valid fear. We have realized from the beginning the danger which is inherent in any measure which is considered a panacea or cure-all legislation. But I am sure that Senator Nye and the others who were responsible for the first neutrality bill will tell you that the same frantic desire to find a simple, easy, legislative formula that would

keep this country out of war was expressed by thousands of people all over the United States in the early days of the neutrality debate. People, confused by the terrific economic and political complications of foreign policy, naturally long to find some simple, single answer. We believe that it is the duty of the proponents of this legislation, both inside and outside of the Congress, constantly to reiterate that no single piece of legislation—not even a war referendum—can be a panacea against war.

Senator HATCH. I am very hopeful you will continue to do that with your organization, Miss Detzer.

Miss DETZER. Yes. We have always done it. And I personally know no one, Mr. Chairman, who is urging the passage of this amendment who does not recognize this danger, and who is not alert in answering that it is impossible to legislate this country into peace, by any piece of legislation.

However, we do contend that it is possible to create a series of legislative structures which will serve as hurdles—not as a frail fence at the edge of the precipice, as you have suggested, Mr. Chairman, but stout hurdles beginning quite far back from the edge of the precipice, which a government must vault before it can again drag this country into a foreign war.

Senator HATCH. I join you there. That is what I wanted.

Miss DETZER. All right. Those of us who are in the peace movement feel that this measure is only one part of a whole legislative and educational pattern and that by itself it could have little value. But as a single part of a whole peace pattern, it has tremendous value and can help to create the direction and the trend of American foreign policy. For example, we believe that along with the war referendum there must be such legislation as a tight neutrality act, a war-tax bill such as the Bone bill, possibly some kind of industrial expansion plan which would take care of unemployment without the necessity of solving that problem by war, further extension of the good-neighbor policy to other continents, adequate safeguards of civil liberties, and so forth, and so forth.

I am not trying, Mr. Chairman, to give you a complete or an adequate peace pattern nor is this the time and place to advocate other measures. I merely desire to point out that those of us in the peace movement who are supporting this legislation have never thought of it as a panacea. We are as concerned as you are that the general public should not consider it as such but should see it as a necessary part of a comprehensive peace pattern. Therefore, we feel your contention, Mr. Chairman, that people must not place too much faith in this measure is well taken but well taken only in part, and we do not feel that it is a valid reason of opposition to the measure.

Now, the second question, Would not propaganda play a larger part in a referendum than in a vote by the Congress? What would be the effect of this propaganda drive?

This is certainly another danger which proponents of the measure, I believe, recognize. It is a risk, but it is a risk which curiously enough most of the strongest advocates of peace are willing to take. I think this is true because we are convinced that should the time come that a referendum was submitted to the people, such a vote would be much more than a vote on war—it would be a fact, as has been said here

before this committee, a vote on whether or not to retain our present democratic system. However, that does not answer, I know, the question raised in regard to the check on propaganda and hysteria at the time of a vote. It seems obvious to me that it will be essential to buttress this amendment when it passes the Congress with adequate legislation to deal with this danger. For example, it might be necessary to pass a measure calling for equal amounts of time over Nationwide hook-ups for those who would urge this country again to go into a war abroad and for those who would oppose it. However, I cannot be so concerned in regard to the effect of propaganda as such on the entire people as upon the Congress. In the first place, the referendum would call for a secret ballot. The Congress does not have a secret ballot. Senators and Congressmen might be open to ruthless criticism of certain newspapers—they might be tremendously affected by the desires of dominant industries in their communities which had a vested interest in war. And certainly they would be under party pressure. There was no more clear demonstration of the factor of party pressure than at the time when the bill to consider the debate on the Ludlow measure was before the House. The general public would be bound to be affected, of course, by the newspapers, certain industries where people had jobs, and by the clever propaganda such as we had in the last war on the part of the British Government. But they would not have party pressure, as would the Congress, and, by and large, 140,000,000 people could not be stampeded easily into voting for a war which they would have to fight.

Senator HATCH. Would it be improper to interpolate right there that insofar as this committee is concerned at least, considering this resolution, there has been absolutely no party pressure?

Miss DETZER. No? Well, you haven't gotten to the people yet. It has not gotten to the people yet.

Senator HATCH. Pressure was exerted before in keeping it from even coming to the floor of the House.

Miss DETZER. You will remember last year, Senator, the question was just whether to debate it.

Senator HATCH. It may not get to the floor this time either.

Miss DETZER. But you remember what that party pressure was at that time. It was terrific, just terrific. I mean that was generally known. Some time, I suppose, party pressure is good, but you cannot have that kind of pressure on the 140,000,000 people as you can on the Congress.

As I say, by and large, 140,000,000 people could not be stampeded easily into voting for a war which they would have to fight. Some of them might—on the eastern seaboard—but certainly on the plains of Kansas, in North Dakota, and in other parts of the country, I believe, there would be a sanity which one could not get either in the greater metropolitan centers or in the capital of the country. Mothers with sons, young men who know much more about this war business than they did the last time, and a general public which has gradually learned to know that we did not save democracy by sacrifice of American boys in France 20 years ago, will offset, I think, it is reasonable to believe, the effect of the war propaganda. Certainly every one of you gentlemen here on this committee knows that the one universal desire in the United States is to keep out of war. Mem-

bers of Congress certainly would in such a war situation speak out against war propaganda.

Now, the third question which has been raised. How much time would be needed to take a referendum? Now, in regard to this question of time—certainly this is a matter which would be entirely up to the Congress, as I see it. If a quick vote was needed, certainly we have the facilities to take a quick vote, but if a cooling-off process were needed, then the Congress could, under the present language of the proposal, control the time element. That is entirely, as I see it, up to Congress.

The fourth question, Would it not be an advantage in giving the Congress a veto vote over an affirmative referendum vote for war—in other words, should there not be a double check on going to war?

We believe that the people should be trusted with this question of war or peace as has been said before. If by any chance the country should vote for war—that, it would seem to us, was a mandate to the Congress. But would not the Congress have in fact a double check? For example, if the Congress discovered any new information which altered the situation—a fact or a possibility which has been raised here, that Congress could refuse to pass a conscription bill. Further, it would have to vote for other kinds of mobilization legislation, and it would have to vote appropriations. All this would serve as the double check.

So, in summary, it should be said that the supporters of this measure do not view, nor do they wish to encourage the people to believe, that the passage of this resolution would be a panacea to insure us for all time against war. We see it as a part of a larger peace pattern—that so far as propaganda stampeding the people into a vote for war, we hold that this is not as great a danger as the pressures on the Congress. We point out that the time question is in the hands of the Congress and can be submitted as quickly or as slowly as the Congress desires, and as for the double-check idea—while it appears convincing at first, we find that it tends to negate the whole idea of a referendum; while as a matter of fact very effective double checks are provided the Congress in the necessity of supplementary war legislation.

Senator HATCH. You agree with Senator Borah's views as he expressed them here on that, do you not?

Miss DETZER. Yes.

Senator HATCH. Thank you, Miss Detzer, for your very able argument.

(At 11:30 o'clock there was a short recess.)

STATEMENT OF MRS. FLORENCE BREWER BOECKEL, ASSOCIATE SECRETARY, NATIONAL COUNCIL FOR PREVENTION OF WAR

Senator HATCH. Mrs. Boeckel.

Mrs. BOECKEL. Mr. Chairman, I am Mrs. Boeckel, of the National Council for the Prevention of War. The clerk has the full name.

Senator HATCH. All right. "Mrs. Florence Brewer Boeckel." I have it here. Is that right?

Mrs. BOECKEL. Yes. I think it might reassure you if I say I will talk only 10 minutes.

Senator HATCH. Well, that is all right.

Mrs. BOECKEL. Another question that has come up in your committee, Senator, in addition to those that Miss Detzer has considered, is: Will the war-referendum amendment interfere with our representative form of government? It is to that question I should like to speak first, and then very briefly to two related questions: Will the amendment lead to an evasion of responsibility on the part of Congress? In other words, Will you and your colleagues seize the opportunity to "pass the buck"?

Senator HATCH. That has been suggested.

Mrs. BOECKEL. Second, What will be the effect if the popular vote on war is close?

To go back to the first question, Will the war-referendum amendment interfere with our representative form of government? It seems to me that the burden of proof rests upon those, and must be on those, who raise the objection, for it has been raised in the past in connection with the direct election of Senators, the initiative, and the referendum, even to the suffrage amendment, and the objections advanced have proved to be unwarranted. In the case of the present amendment, it seems to us that, far from interfering with our form of government, it is entirely in line with constitutional development, and that, furthermore, it is a necessary change in the Constitution if the purpose of the Constitution, one of the fundamental purposes, is to be carried out.

I do not like to speak of governmental questions, because I know you have studied them much more than I have, but I believe it is accepted that the basic reason for representative government is, aside from the cumbersomeness of the general vote on many questions, the idea that the people themselves do not have needed information. It seems to me that this must have been a consideration in our Constitution, and that it was a consideration is borne out by the fact that as education and information spread in this country, the right of suffrage was rapidly extended, so that various groups could speak for themselves. In the case of the direct election of Senators and of the pledging of the electoral college, for instance, there was a transfer of power from the representatives to the people, when it became possible for the people to become acquainted themselves with candidates for national office.

And on this question of adequate information, in regard to the war referendum, I think that no one can deny that the people themselves have a closer knowledge of what war is than anyone else, and that that information is an important element in deciding whether or not you will engage in war. As to war issues, information today is available to the people on a very extensive scale. If the President and Congress have additional information which would strengthen the arguments for going to war, it seems to me that there is no doubt that they would present that to the people. If they have information which would strengthen the argument against entering war, then to admit that they should withhold that information, it seems to me, is to distrust your whole democratic theory; and the history of our entrance into the World War seems to me to indicate that if officials have more information than the people, nevertheless their lack of information is such that the possibility of an unwise judgment

on their part is also very great. The war administration declared and admitted its lack of knowledge of the secret treaties, and I have heard many Members of the war Congress say that a great majority voted without knowing that the American men would have to be sent abroad.

But power of decision has been transferred from the representatives to the people, not only as public information increased but when it has seemed necessary to do this, in order to carry out the fundamental purpose of the Constitution, the creation of a government "of and by the people." The initiative and referendum adopted in many States and in the local communities, in their control of bond issues, are cases in point.

I think the principle of giving direct power to the people when changing conditions not only warrant but call for it has, then, been accepted. We believe that today conditions demand a direct vote of the people on the question of war or peace. I hope some of these will meet the remark you made to Senator Bone, that we have lived along under the old system for a long time.

Senator HATCH. No; I did not make that remark to Senator Bone. I think you misunderstood me. That was when Mr. Armstrong was talking. The question arose as to the question of not fulfilling or performing its full duty with respect to foreign relations, and that deliberately it had surrendered it to the Executive.

Mrs. BOECKEL. Oh, I see now.

Senator HATCH. I stated that that process had been built up almost since the formation of the Government, and that it was not a matter of sudden abdication by the Congress.

Mrs. BOECKEL. Yes; that is quite true. I was just thinking of your casual comment to Senator Bone, that his argument was possibly an argument against the amendment.

Senator HATCH. Yes. That was a personal reference to Senator Bone. I stated that with men like him in the Congress, the power might be safely reposed in them.

Mrs. BOECKEL. The conditions we feel demand today this change in the Constitution. I would like to speak of only these four.

First, a decision of war today does, as many of your witnesses have testified, begin a complete change in our form of government from a democracy to a dictatorship, and the possibility of such a change seems to me to make any slight modification that this amendment represents seem very innocuous; and if it is a question of change in our form of government, then it seems to me that it is hard to deny the right to make or refuse to make such a change.

Second, the tremendous cost of war today and the recognized right of the people to decide such minor questions as local bond issues makes it difficult to argue that they have no right to control the question of war, which involves a far greater public debt than any other activity.

Third, the ability of Congress to represent the people on the war question is open to doubt, it seems to us. As the country has grown in size and become less homogeneous, representation has become more difficult and more doubtful on questions that cannot come before the people at the time of an election. Now, the opportunity to elect a Congress on a war issue seldom occurs, and, furthermore, our ex-

perience after the election of 1916 seemed to show that the will of the people expressed even in a fairly recent past is counteracted on such a question by more immediate pressures.

Fourth, to my mind the most important point in regard to the effect of the amendment on our form of government is this fact: The war referendum amendment has become necessary if one of the fundamental purposes of the Constitution is to be carried out. In its provision as to the war power the purpose of the Constitution was not, as I am sure you know better than I, according to the debates and statements at the time, to give the war-making power to Congress. It was to take it away from the President. A conviction was expressed at that time that there could be no democratic government if the war-making power was to be in the hands of one man. The danger of Executive control is certainly far greater today than it was then, for the character of modern war means that in time of war dictatorial control over the entire life of the Nation is exercised by and is put into the hands of the Executive.

But the Constitution did more than transfer the power from the Executive to Congress. It actually gave the people themselves a check on the war power by providing that Congress itself should make military appropriations for 2-year periods only so that should there be a military-minded group of men in Congress those representatives could be replaced by others. But these safeguards on the war power set up in the Constitution have failed to keep that power from slipping back into the hands of the Executive. For one thing, the President's control of Congress during the last 30 or 40 years has tremendously increased, and the conduct of foreign affairs involves today, as it did not in earlier days, the possibility of war. That problem of the control of foreign policy in a democratic government, it seems to us, must be solved if a democracy is to continue and succeed, but in all its intricacies it is a problem which you statesmen will have to solve, and which will take time; but meanwhile the adoption of the war referendum amendment would provide at least a check in harmony with our system of checks and balances, not only on the final war decision but going back as you have said peace measures should, it would exercise an influence on the Executive control of foreign policy by making any administration more cautious in the adoption of policies heading into a war that it was not certain the people would support.

I hope these considerations may seem to you to render null and void as it were the objections that have been raised on the constitutional point.

Closely related to the question of representative government is the second objection which I said I should like to speak of briefly, namely, that the amendment would lead to an evasion of responsibility by Congress. I believe that some members of your committee have felt that Congress might use the referendum as an excuse for "passing the buck" without any deliberation or making up of its own mind.

Senator HATCH. I do not know as any committee member entertains that idea, but it was expressed as a possibility which might happen.

Mrs. BOECKEL. Yes; it was so expressed.

In spite of having lived in Washington for 20 years, and having heard the kind of things one hears about Congress in Washington, I do not believe that Congress would do any such thing. For one thing, on whichever side members stood, they surely would want to use the opportunity, when the country was hanging on their every word, to express their opinion; and furthermore, in the very reference of the amendment to the people there is a responsibility involved, for it is hardly to be supposed that the President will bring the question to Congress unless he favors a declaration, or that Congress would refer it to the people unless they favored it.

The referendum is essentially, as other witnesses have said, a veto on war, and to say that Congress would be careless of its responsibility in the reference to the vote of the people seems to me to strengthen the argument that no final decision on war itself should be left to Congress.

Finally, the third and last objection to which I wish to speak is this—what might happen in case of a close vote?

The argument is, as I understand it, that a close division, say 51 percent for and 49 percent against war, would weaken the Government in the control of the war; but under our present system we risk a war decision by a majority of one in each House of Congress. That would equally represent a division of public opinion, and as it seems to us, there would be much more likelihood of public disturbance, had the country been thrown into a war by so close a vote in Congress, than if a majority of the people, even a bare majority, had voted for the war. But as a matter of fact, is it conceivable that, were there any grounds for believing public opinion so unevenly divided, this question of a war vote would ever arise?

I should like to end on just that point, for to my mind the greatest value of the war-referendum amendment is that it would tend to act as a pressure on any administration to avoid a war crisis over an issue which the people were not seeking to support, and thereby it seems to me that the war referendum would demonstrate its harmony with our form of government, for it would bring us a little nearer to the democratic goal of rule by the people.

Senator HATCH. I wonder if you would think that an amendment to the Constitution—which is advantageous, in line with your last thought—requiring a two-thirds vote of Congress, would have any benefit?

Mrs. BOECKEL. That was brought up at the time of the drafting of the Constitution, of course. I have forgotten the exact number of States who probably desired that. I think it would be highly favorable to the present situation.

Senator HATCH. Thank you, Mrs. Boeckel. Mr. Raushenbush.

STATEMENT OF STEPHEN RAUSHENBUSH, AUTHOR AND TEACHER

Mr. RAUSHENBUSH. Mr. Chairman, my name is Stephen Raushenbush.

Senator HATCH. You might state in what capacity you appear.

Mr. RAUSHENBUSH. As author and teacher. I represent no organization. I have been asked to address myself specifically to some of the objections that were raised here particularly by Senator Borah.

Senator HATCH. I might say this, and I do not know that I brought it out with Mrs. Boeckel and Miss Detzer, the ladies who have spoken here this morning, but these question that were raised were not necessarily expressions of opinion by members of the committee but they were merely exploratory questions, really. At least, I know that some of them were.

Mr. RAUSHENBUSH. Yes; I did not mean they were permanent objections. They were queries raised in connection with it.

Senator HATCH. I know Senator Borah is very desirous of having the language of the bill explained, just what it means and what the effect of it is, technically, and all those things.

Mr. RAUSHENBUSH. I took it at the last session, listening to him, that he was terribly interested in the mechanism of it.

Senator HATCH. Yes; he is.

Mr. RAUSHENBUSH. That is, if the thing would actually work; and I do feel, if I may say so, that some of the witnesses who were on at the last session were asked questions and answered them without being reminded of all the circumstances that surrounded those questions. They were not reminded, for instance, on the question of the landing of marines at Amoy, that we had such treaty rights as made such an act possible without becoming an act of war; and there were others. I would like to address myself to that sort of thing and others, if I may.

Senator HATCH. Yes.

Mr. RAUSHENBUSH. First, an objection that was not made by Senator Borah particularly but by others, in the course of the debate. This referendum does not interfere with national-defense preparations, first, because there is nothing in it that prevents defense of the United States and its Territories if attacked or threatened; second, there is nothing at all in it that prevents appropriations in advance for defense or attack; third, there is nothing that prevents defense for Latin America or Canada—not only for ourselves but for those parts of this hemisphere that are attacked or threatened. To illustrate the fourth, perhaps, there is nothing here even to prevent Congress from passing such a thing as a conscription bill in peacetime if it chooses.

I wish to speak very emphatically about this defense argument, because I feel there has been quite a good deal of dishonest or uninformed comment about it. I wish in passing to underline what Mr. Armstrong said, as a member of the American Legion, myself. I have never been consulted in any referendum vote on the attitude of the Legion in the matter. I do not believe any of the officials are authorized to speak for the membership, nor were the delegates to the convention from my post in any way instructed to vote one way or the other on this matter.

Senator HATCH. Does the American Legion have a method of conducting referendum votes?

Mr. RAUSHENBUSH. No; but in a matter like this, where anybody could come claiming they spoke for the Legion, it would seem to me that would be a very unsatisfactory way of doing it.

Senator HATCH. Are their policies formulated in your national conventions?

Mr. RAUSHENBUSH. Yes; in national conventions. Then, the officers sometimes speak on matters as they think the trend indicated in the convention.

Specifically, Senator Borah last time was talking about one particular part of this defense question. He said, "Now, doesn't this in some way make it impossible for us to use the mechanism of surprise attack?" Well, I wish to point out there that this referendum adds only 4 to 6 days to this time which would be taken if Congress alone declares war. That is not a long period of time. In the World War for instance it took us 4 months to get as many as 10,000 troops over there. I remember it specifically because I happened to be one of the first 10,000, and we didn't get over until 4 months after the war was declared.

This 4 to 6 days would not prevent our fleet from moving into battle positions.

Senator HATCH. Why do you say 4 to 6 days?

Mr. RAUSHENBUSH. Well, I think when the Congress plans to begin discussing the war question, preparations for the referendum will begin. I have tried to work out the mechanism the referendum would take. The ballots can be ready in advance. I have in my mind the statement of a Navy officer that it could be done in 48 hours. I think 4 to 6 days would certainly be ample.

Senator HATCH. That is the minimum time, 4 to 6 days?

Mr. RAUSHENBUSH. No; that seems to me quite a maximum. I think as soon as Congress began debating this—Congress under this provision has the power to make all kinds of preparations for taking the vote—would presumably have the ballots printed even while the debate was going on, just as the War Department has the draft tickets printed before a war is declared. They are all set, and that seems to me perfectly possible to do that, and in 4 to 6 days to tally the vote. I want to say sort of incidentally that the debate on the war question goes on for years. It is going on now. I mean on the question of a war, whether we should go into it. It is going on at this moment. It will go on presumably while Congress discusses a war up to the time of a declaration and afterward, and I think as Miss Deter said this morning, if Congress wants a slower vote, if it wants a "cooling off" period, it could provide for a vote on the referendum after 30 or 40 days from its own decision. There is no objection to that, but I think that with the actual mechanism of polling citizens today 6 days is something like a maximum.

But coming back to this defense matter, geographically neither we nor any enemy can strike at us in a decisive surprise blow. It is not like the theory of surprise attack on land. The difference is very great. General McArthur in discussing Gallipoli has pointed that out. In land operations it is theoretically possible to have a surprise attack, across a river, or something like that, a boundary, although even that in these days of airplanes is very difficult. We just happen to be in a place where we have to go 3,000 miles one way and over 5,000 miles another to attack, and from the moment when there is a declaration of war, at the time the attack would be starting, that would be known around the world. There would be no way of keeping it secret. We certainly could not get out to attack an oriental country for instance in a surprise attack, unless we had just an enormous fleet mobilized. In fact, we would have to have the country practically completely militarized in order to be set for that sort of thing, but even then it would be impossible.

Perhaps I could read here a paragraph from Maj. George Eliot's book, in regard to an attack on the Pacific:

If we should find ourselves at war with Japan, we would, by the use of our sea power, be able to strike at its most vulnerable point. In order to use our sea power in this way, we would have to establish bases in the Western Pacific. We cannot blockade Japan from Hawaii; we would have to extend the influence of our sea power westward until we could bring such pressure to bear on the exterior communications of the Japanese Islands as would prove decisive. This means the use of expeditionary forces, protected and supplied by the Navy, to fight for a succession of island stepping stones—the Marshalls, the Carolines and, finally, Guam, from which last-named point we could begin to make Japan feel the strangulation of blockade. This would be a long, costly, and bloody process.

That would be a long, long, costly process, in his words. My point is it would be long. I have read the hearings of naval affairs and naval appropriations pretty steadily. I have never seen where any admiral really talked about surprise attacks. As Senator Borah said, these battleships we are building now are for attack. Of course they are. That is not the question. The argument on the war referendum question is whether it avoids the possibility of a surprise attack. I say that surprise attack by us or possible enemies in Europe or Asia is impossible. If there is any doubt, I would suggest you should perhaps want to call naval authorities to that effect.

The only quick attack that is theoretically possible is by airplane, and that of course, as soon as it started from a foreign shore would cancel the referendum exactly as it would if it happened while Congress was debating a declaration of war. It would cancel the declaration and would be a matter of defense.

Now, I would like to address myself to the question of when the landing of our marines abroad and attacks on our naval vessels constitute warfare overseas. This deals with line 2, page 2 of the bill, under the wording "or to engage in warfare overseas."

Senator HATCH. Isn't that the wording of the resolution?

Mr. RAUSHENBUSH. Yes; "to engage in warfare overseas." It is the "warfare overseas" wording I would like to get at. I would say that includes acts going beyond intervention as now allowed under international law in nations where we have special treaty rights, or, in other cases, in semicivilized nations where international law recognizes intervention to be short of war. Now, here is your dilemma, Senator Hatch: If this landing of marines in Amoy is an act of war, obviously the President has transgressed his powers. Nobody thinks he has. Congress has not started to impeach him or anything like that. What basis are they going on? They are going on this practice of international law, in regard to intervention short of war, which happens to be fairly well agreed on at this point. At other points there seems to be a great haze about international law, particularly as to maritime shipping. But on this point there is fair agreement as to what is "short of war."

Previous witnesses spoke hastily, as I said, on that question of Amoy, and I think if they had had a chance to consider that they would probably have recognized that our treaty rights gave us those privileges. If we want to get at that situation, we have to change those treaties, or Congress in some way has to let the President know that it thinks that is a dangerous thing. That would probably be advisable, if Congress feels it is a dangerous thing. I do not

think it is a matter of putting in this amendment. I think there is always a possibility that such interventions may lead to war, and that fact is recognized in the assertion of our new policy toward Latin-America. We say we won't do that any more—land marines to protect the property of our citizens down there.

Now, in regard to naval vessels, that is a fairly important question, and you remember that there were times when our naval vessels were attacked, when the President did not automatically say, "That is an act of war." It came up when these Tripoli pirates came along when Jefferson was President and did it, and the vessels defended themselves, but no war was declared, and they retired from the scene of action. The President said, with every due deference to Congress, "Now this is your job, gentlemen, to decide whether this is a war act or not."

Again, in the matter of the *Panay*. That was attacked, and the President decided that that was not an act of war, although that was a naval vessel, and the question not of our Territorial sovereignty but of our personal sovereignty was presented.

I think generally that attacks on our naval vessels engaged in peaceful pursuits would suspend the referendum if the President and the Congress both chose to consider an attack as an act of war, really. I do not see how you can get out of that, but the point is, Congress remains the ultimate judge of the definition of what is an "attack."

Senator HATCH. You are speaking of the language of the resolution, where the word "attack" is used?

Mr. RAUSHENBUSH. No, sir. I was talking about what is on line 2, page 2—what is "warfare overseas"?

Senator HATCH. Well, proceed. You will probably discuss the question I have in mind later.

Mr. RAUSHENBUSH. Yes; you are right; it is involved in the other question; that is true.

Senator HATCH. I think it is involved in the other question.

Mr. RAUSHENBUSH. Yes; it is involved in both.

Senator HATCH. Then that involves a question that I was going to ask, on the suggestion of Congressman Ludlow, who insists that "invasion" should be used instead of "attack," and that the language be changed to "except in case of invasion by armed forces, actual or immediately threatened". Now, would that attack on one of our naval craft constitute an invasion? I could see how it would constitute an attack, all right; and it might perhaps suspend the referendum, but suppose that word were changed to "invasion", would it then suspend the referendum?

Mr. RAUSHENBUSH. That gets into phraseology which introduces or creates new concepts in international law. There has never been an "invasion" of a naval vessel that I know of.

Senator HATCH. It develops the necessity for a most careful consideration of words, when you are writing language into the Constitution.

Mr. RAUSHENBUSH. Yes; that is true; and I wanted at the end to make a few minor suggestions as to the language.

Senator HATCH. All right, sir.

Mr. RAUSHENBUSH. But if there is a real possibility of the working of the referendum, I think that question can probably be arrived at.

I wanted simply to say and remind you that while even if one takes that position, that an attack on one of our naval vessels might suspend the referendum, there are still two bodies, the Congress and the President, both, who can say, "No; this was an unusual thing; they did not mean it; it was an accident; the nation has apologized, and it does not become an act of war, which is—and these two things go together—an act of war which is sufficiently important to call forth hostilities on our part." You remember this little destroyer *Mahon*, I think it was, off the Spanish coast during their recent civil war, that was bombed and nobody knows by whom. That was never established so far as I know, whether by one side or the other.

I wish to call attention to the importance of not making this too automatic in this case, an attack on a war vessel being a cause for suspending the referendum, because we are living—and it applies to us, I guess, as well as to everybody else—in an era of international trickery. I mean every nation has a large stake in getting a country like ourselves into war, getting us for their ally. So I do not think you can quite be sure of what will be done. It is just as it was in the last war—one of the belligerent groups used the American flag on its warships, actually used them on ships with cannon on, and as soon as a submarine hailed them they put the American flag down and hoisted their own flag and then shot the submarine; which led to all these controversies about the armed merchantmen. Secretary Lansing was very much aroused about this, in his whole letter of January 2, 1916, he tells that whole story of how they did that. That is a letter to the President. So we are in an era where it is possible for our friends, or those who want us to come in on their side, actually to see to it that one of our ships is by accident attacked. I mean we have to admit a certain amount of enormous deceit and willingness to deceive in such a situation.

Now, on the next part of that question, is an attack on our merchant marine an attack on the United States? Let me put it this way. I think the answer is that such an attack may be a cause for war if the people want it to be, but it certainly should not cancel out the referendum.

Now, the reasons for this are three. First, the international law on the rights of merchant vessels in the war zones, the so-called "blockaded" areas, is enormously in doubt. I would like, for your consideration, to just read a line or two from Charles Warren, who was in the Department of Justice on neutrality matters, during the World War, and he points out that after all our controversy about these maritime rights [reading]:

Nevertheless on April 6, 1917, when the United States entered the war, not one of our conditions had been accepted by the belligerents. Not one neutral right asserted by us had been granted by them as a right, though a few of our protests (notably against taking men off our ships) had been acceded to as a favor. After the war, neither the United States, nor other neutrals, like Holland, Sweden, or Norway, took effective action to submit their claims of violation of neutral rights to arbitration, in order to determine whether any such rights were in existence. On the contrary, at the end of 10 years from our entrance into the war, on May 19, 1927, Secretary of State Kellogg exchanged notes with Great Britain, deliberately giving up any attempt to ascertain the validity of our claims of violation of neutral rights by Great Britain from 1914 to 1917, and waiving the presentation of any diplomatic request for international arbitration of our claims, though saving the right (which right of course, we would have had as a sovereign nation without any such reserva-

tion) "to maintain in the future such position as it may deem appropriate with respect to the legality or illegality under international law" of the measures adopted during the war. So far as Germany is concerned, our dispute with her as to the legality of her use of submarines has never been settled judicially or otherwise, hence the situation confronting the United States today is that not a single neutral right of trade asserted by us is recognized officially by Great Britain, France, Italy, or Germany, to any greater extent than it was between August 1914 and April 1917.

My point is, here, that this whole question of what one can assert is the right of one's own ships to enter blockaded zones is so much in doubt; it is sort of like the law west of the Pecos, that there is no use in risking our peace on attempting any hard and fast claims here.

Senator Borah's own resolution of 1928, calling for a convention to see whether we could not pick up a few fragments of international law and make them stick together and make the nations agree on them, was another indication of the uncertain status at present. The resolution was not passed.

Third, the passing by Congress of the special provisions of the neutrality law, providing that American ships engaged in trade with belligerents should do so at their own risk, is further evidence of it. So my claim is that when rights are vaguely defined, and when the technique of blockade is changing, with a good certainty of expecting an attempt by continental powers to blockade England, let us say, by airplanes, that technique is changing, and international law just doesn't have anything to offer us by way of solid base at that point. Third, when it is so doubtful that even in the event of our entering another war we could establish our claims to these neutral rights in regard to our ships, I argue that the incidents arising from the controversies about blockades in which our ships are involved should go to the people. The question of whether they are worth fighting about should not be considered as coming under this question of attack.

Incidentally, I do not know whether it was you, Senator Hatch, or one of the other Senators who raised the question, and this is my third point, whether an embargo comes under the heading of "engaging in warfare overseas." You remember it was raised.

Senator HATCH. Yes; it was suggested.

Mr. RAUSHENBUSH. That was suggested. In the course of preparing for this appearance, I looked at some of our authorities on international law, Garner and Hall and Stowell and Borchard and one or two others. Well, they do not have very much to offer on that subject there. It is still up to general agreement, and they go back to article IX of The Hague Convention, when the nations made an attempt to overcome these things in 1907, and in article I they stated, "Every restrictive or prohibitive measure taken by a neutral power must be applied impartially by it to the belligerents." I draw from that that a one-sided embargo is not neutral, but that a one-sided embargo, if Congress chose to pass it in the protection of its own peace, would not necessarily result in war. It might. It would not, necessarily.

Senator HATCH. It would be a cause for war, would it not?

Mr. RAUSHENBUSH. If the other states wanted to make something of it.

Senator HATCH. Yes; if the other side desired to.

Mr. RAUSHENBUSH. Just like the *Panay*. We could have made that a cause of war if we had wanted to, I take it. We would not have done anything more than horrify a lot of people.

Those three points I have been making are the points that were raised here. I would like to give, in two sentences, my own particular reasons for interest in this amendment. I have had this thought for some time. It has been told you that this referendum is not only a vote on war but it is a vote on our form of government. I would add to that one more thing, that I cannot think of any international war in which we can again do what we did the last time—go over and come back. I think the next time we go over we will stay. It is the only thing that will make sense at all. They are going to create an international government of some kind after another war. I just do not think there is any use trying to envisage a world after another war trying to repeat this experience it has had during the last 20 years, of living as individual little broken pieces and trying to make good. I think that just prepares the way for fascism. I think it prepares the way for communism or for whatever you want to say; that after another war we will all realize we are in there for good. The people who want to stay out of Europe, even as the people who want us to get in should realize more strongly than they did the last time that after another war we are not in for a League of Nations, we are in for something like a world union. But that can succeed again only if the people realize what they are getting into and do it of their own free will. Only that realization will create responsibility. Congress taking the country into a League of Nations against the people's will, or taking it into any form of international government against the Nation's will, is not going to have the permanent support of the people of the country. So I am saying, not only is a war involved in this referendum, not only is a change in our form of government involved, but this whole question of permanent American participation in the world's affairs is involved. I have been studying the past couple of years the governments of various countries which have gone Fascist. I was impressed particularly by the situation in Italy. There, the Government against the will of the people of Parliament took the people into the war. In fact, they did it without consulting Parliament or the people. The people hated the war. They thought it was a bad horse trade, and they let that hate be known throughout the whole war, as you know. The Nation had more deserters than any other, and after the war they went out for that Government. They had no confidence in it. They felt they had been betrayed by it. The democratic government no longer meant anything to them. The Fascists were willing to go to the people, who said, "Down with the whole thing." There were some peculiar quirks in there, but I do think that inasmuch as the responsibilities of a war are now so much greater than they were in the early days when the Constitution was drawn, that Congress is going in for a war of the kind they never dreamed of in those days, that it involves this change in government, that it involves our permanent participation over there, that you do not have exactly the old question they then had.

Now, in regard to language, I simply have very minor amendments to suggest. On page 1, line 7, I suggest that after the word "legislatures" be added the words "or conventions," to conform with the language on page 2, line 11, where again the language should be changed to take in both of those possibilities, conventions or the legislatures. The words "or the legislatures should be added after 'conventions.'"

Senator HATCH. Section 3 provides for conventions alone.

Mr. RAUSHENBUSH. Yes. Well, there you are. Now, we have either got to have conventions alone, and change the preamble to "conventions" instead of "legislatures", or else we have got to allow for both.

Now, the Senators sponsoring the resolution may have opinions about that. I do not know which they prefer, but that ought to be the same in both cases.

The other possible amendment I would like to suggest, and this is meant simply to clarify it, and if it does I wish you might consider it. On page 1, line 10, that after the "immediately threatened," perhaps the language, "by a military or a naval expedition" could be added. That gives a sense of something more than a rumor that somebody in some foreign country has said, "Well, we ought to go over and lick the United States." That actually the military or naval expedition is being got together and is about to sail, in other words.

Senator HATCH. That would be a little more restrictive upon the word "threatened".

Mr. RAUSHENBUSH. Yes. We all admit that is a vague word. What it means is vague. We certainly are going here, Senator, to give an awful amount of confidence to the President and to Congress in this thing. Any unscrupulous man, if he were of the character of a foreign dictator for instance, could let false news get around that we had been attacked. They did it in Germany. You remember that at the beginning of the last war there were stories that the French airplanes were over Nuremburg even before the war was declared—a perfectly false story. They got it up.

We would simply have to count on two things—an amount of honesty on the part of our Executive, and the ability of Congress to look into these matters and assure the people, whether they are true or false.

As you see, all the way through my presentation I point out that Congress has an enormous power left here. In all these matters of troubles abroad, the landing of marines and attacks on naval vessels and the like—those do not get to be issues of war unless Congress considers them attacks purely through hostile action and retaliation. I do not in any way feel that Congress is being completely put out of the picture by this. I think they have an enormous task left for them.

Senator HATCH. Thank you, Mr. Raushenbush.

Senator La Follette, that completes the list of witnesses. On next Wednesday and Thursday we will hear opponents of the resolution. The committee hearings will begin at 10 o'clock in the morning. This concludes the witnesses, Senator La Follette.

(Whereupon, at 12:15 o'clock, the subcommittee adjourned until next Wednesday, May 31, 1939, at 10 o'clock.)

STATEMENT OF GLADYS TALBOTT EDWARDS, DIRECTOR OF JUNIOR EDUCATION,
FARMERS EDUCATIONAL AND COOPERATIVE UNION OF AMERICA

Representing the youth of a national farm organization, I make this plea on the amendment to the Constitution which will give the people of America the right to express themselves in so vital a matter as entering upon a foreign war.

During the past few months we have heard much of democracy, of our obligation to it, of its great privileges and advantages. We believe that democracy is a precious thing. We believe also if it is to be an institution and not just a four-syllable word, that the people must be given the vote on more things than abstract principles and political offices.

If democracy is truly a form of government in which the people themselves have a part in maintaining the constitutional guaranty of "life, liberty, and the pursuit of happiness," then let us not shy away from this instrument which will give them the vote upon entrance into a foreign war where all these may be lost.

We are aware of the influence which propaganda plays in arousing sentiment for war. We know that propaganda would be brought to bear upon the voters of the country in case of a referendum. This situation is bound to exist whenever there is danger of war. Propaganda influences the minds of the voters until they demand that their congressional representatives act for them. This is one way of passing the responsibility on to other shoulders. A man who must cast his vote upon so grave a matter will give it more serious thought than he will give to the writing of a letter to his Senator.

The responsibility for democracy must rest upon the individual citizen. In no other way may his civic responsibility be so dramatically emphasized as through this amendment. When a citizen within the secret confines of the voting booth knows that within his hand lies the tremendous power which will send his country's youth into a foreign war or will keep them at home to work out the destiny of their Nation—then he will pause and weigh the responsibility which is his.

Let us not continue to shout for democracy if we are afraid to put it to the test in the hands of the people.

We, of the Farmers' Union, believe the people of the United States have the right to vote upon entrance into war. We believe they have the right to exercise the rights of democratic franchise in the most vital problem a nation must face. We believe that democracy will work. We urge the passage of the constitutional amendment which will give it a chance to work.

WAR REFERENDUM

WEDNESDAY, MAY 31, 1939

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
Washington, D. C.

The subcommittee met at 10 a. m., Hon. Carl A. Hatch (chairman) presiding.

Present: Senators Hatch (chairman) and Wiley.

Senator HATCH. Gentlemen, I do not know whether any of the other members of the committee will be present this morning. We have sometimes had trouble in getting attendance; and so I have waited until this time, hoping that some of the others would be here.

Colonel Taylor, of the American Legion, desires to make a statement. Is that correct, Colonel Taylor?

Colonel TAYLOR. I have another hearing to attend, Mr. Chairman.

Senator HATCH. Would it make any difference if we went ahead first this morning with Colonel Taylor?

Senator WILEY. No.

Senator HATCH. Then we will proceed now and let you make your statement, Colonel Taylor, and then you can go to the other committee. We are glad to have you with us.

STATEMENT OF COL. JOHN THOMAS TAYLOR, REPRESENTING THE AMERICAN LEGION

Colonel TAYLOR. Mr. Chairman and gentlemen, I want to express the appreciation of the American Legion for the opportunity to come before your committee to discuss this question that is contained in this Senate Joint Resolution 84. At the last session of Congress a somewhat similar resolution was before the House, and, as you know, it was defeated by a rather close vote. This Senate Joint Resolution 84 is practically the same as the Ludlow resolution or amendment.

I have listened with some interest to some of the witnesses who have appeared before this committee, because all of them simply go back to the question of the right to amend the Constitution, due to discussions which arose at the original convention.

As the result of the Ludlow amendment last session, this thing was very thoroughly taken up throughout the thousands of posts in the American Legion; and at the Los Angeles Convention of the Legion the following resolution was adopted:

Be it resolved by the American Legion in national convention assembled at Los Angeles, Calif., That we oppose any change in the present method as provided in the Constitution of the United States relative to the declaration of war.

Turning back now to S. J. Resolution 84, I think I should read it, without reading all the language contained in it; it says specifically:

Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its territorial possessions, or by a non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war.

I would like to read a statement made by the National Commander of the American Legion, Stephen F. Chadwick. He said:

We admit that the war-referendum idea is an intriguing doctrine for mothers. But our mothers felt the same way about us. And those attitudes were misinterpreted immediately by representatives of other nations, resulting in a declaration of war by Congress.

If we ever become debating societies to determine whether to enter war, we would be a people divided if we did enter it. The machinery required for such a vote would be the creation of a minority party. We would be the victims of propaganda by one side or the other.

There have been issues in the Old World in the past 2 or 3 years which, if placed on the ballot, might have the American people divided today and distracted from their own proper concerns.

We believe in our representative government. We want to avoid war and to chart a course that will preserve our values and let us live in respected peace.

I think that expresses the opinion of the American Legion very clearly.

The commander of the American Legion has been, during the last 9 months throughout the country, speaking to thousands of audiences, and he has devoted a considerable part of his time to this question of a national referendum, and from each audience has received the same response.

I do not believe that the people out in the country, when they get to know what this war-referendum measure really provides, will be in the slightest degree in favor of it.

As I said in the beginning, most of the witnesses have always gone back to prove that dissension existed at the time of the Constitutional Convention. Now, admitting that we can amend the Constitution on any given subject that is brought up, on the question of whether dissension arose, as a matter of fact, there was discussion before the Constitutional Convention, just the same as there is before Congress that every subject that has been brought before Congress since that time; and I can see no valid reason, no valid argument, to hold that up as a reason for amending the Constitution in this particular instance.

The question of a declaration of war, the question of this country going to war at the present time, of course, rests on the President of the United States, with the State Department, and with the Congress of the United States.

Now it is not only foolish but impossible to keep the people of the country constantly informed and advised on all of the information that those three branches of our Government have. In fact, if they were correctly advised it would cause constant dissension; there is no question about that.

Ever since the creation of this Government, we have clothed the Congress of the United States with authority to handle this matter; and in the few times that we have been engaged in war Congress exercised very careful judgment. There is no question about that.

From the testimony of witnesses proposing this amendment, one would think that war is something that happens precipitately, almost immediately. As a matter of fact, it happens as the result of a series of facts and problems that constantly our officials—the President and the State Department—attempt to solve in order to keep us out of war.

But when we reach the point, after all of the negotiations on all of the various delicate international matters have finally been disposed of, and when we reach the point that it is necessary for us to go into a war, it is the Congress of the United States, together with the State Department and the President of the United States, that knows all the reasons that have brought us to that very definite end of our patience, you might say.

And to think for a moment that we could go out and submit all that information to more than 130 millions of people, where we would have debating societies all over the country, arguing and deciding this questions is, to me, unthinkable.

And, as I was saying this morning, suppose this question should arise just about the time of an election, when everybody was running for office, instead of running for Congress or for the Presidency, or any other national office, on the issues really involved, they would immediately take up this question of our engaging in a war, and demagogues would go up and down the country, and they would get this country of ours into such a state that nobody would know where our country has gone.

I have also heard the argument advanced by our opponents that this is such a simple matter that it would take a very short time to get the question before the people and take a plebiscite on the subject.

Granting that, does it not also apply to your Congressman and Senator, and are the people of his State or congressional district in a position to know, except so far as surface matters are concerned, just what the situation is? I do not mean now what the State Department knows, or what the President knows, but at least, following the press and keeping track of the progress in the matter, they are in a position to know, and they are in a position to do what they do on every other question.

And the people are in a position to advise their Senators and to advise their Congressman as to their particular attitude on this question, just as they do on every other question. With the information that the Members of the House and the Senate have, supplied to them by the State Department and the President, certainly the Congress itself is in a better position, a stronger position, to decide which way we should go.

I think that we are losing sight nowadays—of course, this whole question now of war referendum, as initiated a couple of years ago by Congressman Ludlow, of Indiana, has been brought into the foreground by world conditions. And that is the thing that we ought to pay some attention to, because of the general conception of this country that it is a melting pot; and I think, as all of us know, it has worked out that way, as a matter of fact, that the different nationalities, down to the second and third generations, continue to have leanings back to the stock from which they came; and in this country there are groups of every nationality—German, Mexicans, Swedish, and others—who still use their own particular language

and publish newspapers in their own language. There are literally hundreds of foreign-language newspapers in this country.

Now, suppose a matter comes up which is in dispute between this country and some other country, what happens? You talk about propaganda. This country would simply become flooded with propaganda from the groups that would want us to go into war and the groups that would want to keep us out of war; and the result would be that, after having the plebiscite completed, instead of knowing the national opinion on the subject, we would be a Nation divided among ourselves. There is no question about that.

Everyone who remembers the last war will realize that, when it comes to war, we have to have a country that is completely united. And I think the several wars that we have been engaged in—the Spanish-American War, the World War, and others—have proved that that was the result. The World War went on from 1914 to 1918 before we became involved in it. But when we did become involved, after much discussion, that was the result.

This proposal would destroy that absolutely. The groups and classes and nationalities that had been sympathetic with one side or the other would continue that sympathy even if there was a declaration of war, and we would have more trouble preparing for it than we can properly conceive of now.

So that the whole thing shows a lack of proper understanding of the subject, I think, so far as the proponents are concerned.

Now what they are thinking about, from my observation and listening to the testimony that has been presented, is the right of the individual himself to vote on whether his or her son is to go to war, or the right of the individual himself, if he is between the ages of 21 and 35, which would be draft age, to vote on the question of whether that individual should be compelled to go to war.

Now, I do not think that any mother is going to vote to send her son to war, and I do not think that many young men who would be subject to the kind of propaganda that would be everlastingly poured upon them would want to go into war or become involved in war at all. They would vote for their own safety. And that is a thing that cannot be considered so far as military effort is concerned.

And it impresses us, who had some experience in the last war, that this is a thing which should not even be considered; that after the National Government has been established, we have had confidence in the Congress of the United States to handle this matter. And there is no necessity for this proposal, and no reason for it. The method that has been used since the establishment of the Constitution has worked out perfectly so far; there is no possible criticism of how it has worked. Now, why not think about how it has worked out so far, and why think about changing it in some way that nobody knows how it would work out?

And when you think, from a cold, practical viewpoint—when you think how, so far as our own national defense is concerned, how it would bring about national weakness and injure us so far as our national-defense situation is concerned, you can see what it would bring about; and I hope that this committee will see its way clear to vote against this and similar resolutions.

Senator HATCH. Thank you very much, Colonel Taylor.

Senator WILEY has some questions he would like to ask you.

Colonel TAYLOR. Very well.

Senator WILEY. May I suggest that you examine this resolution (S. 140)?

Colonel TAYLOR. I just saw it this morning.

Senator WILEY. I think your argument is a good one. The question before us now is whether or not the people of this country should have the right to say whether the Constitution should be amended. I think your argument is based upon the damage you think it would do to the people of this country.

Now, the original Ludlow amendment, as you see, provides a blanket declaration of war power in the people; and I would like to get your reaction on my bill, Senate Joint Resolution 140.

Colonel TAYLOR. Now, Senator, you use that same language, "when the United States or any of its Territories or possessions have been invaded—"

Senator WILEY. Well, there is a provision on the second page, where it brings it back to declaring war.

Colonel TAYLOR. Yes; I was reading the resolution. [After a pause.] Well, what are you referring to, Senator?

Senator WILEY. In the first place, it says that—

the Congress shall have the power to declare war when the United States or any of its Territories or possessions have been invaded or are in immediate danger of invasion, and when any part of the Western Hemisphere has been invaded by, or is in immediate danger of invasion by, the forces of any non-American nation.

Now, that is that power. Congress has that power.

Colonel TAYLOR. Congress has that power now.

Senator WILEY. And then it says—

and shall have power to declare war in other cases, only if a majority of those persons voting in a national referendum held in such manner as Congress shall by law provide shall vote in favor of such declaration of war.

And thus Congress retains the power to declare war, but only in case of a foreign war would the people speak, and that sort of curtails their power.

Senator HATCH. In other words, if the people voted in favor of war, Congress would still have the privilege of declaring war.

Senator WILEY. We would not have to go to war.

Colonel TAYLOR. That is like putting the cart before the horse, Mr. Chairman.

No; Senator, if we are going to amend the Constitution on this vital question of war, because of questions of safety to the lives of the people, and that sort of thing, as the proponents have said, it seems to me that if we have to submit a matter of that kind to a plebiscite, we might also submit various other questions, such as questions of taxation, to a vote of the people—and such as questions of relief. Let them vote on the question of relief, and you will see where you go.

Now, I think we agree that taxation today is as vital to the welfare of this country as any question we can conceive of; but would the Congress of the United States care to submit such a question as that to the people? Surely not.

This is not a pure democracy, and was never intended to be a pure democracy. There was no such thought in the minds of the founders of the Government. They had in mind responsibility in the leader-

ship and the heads of the Government, in the Congress and the heads of the executive branch of the Government, they placed the responsibility for the conduct of the Government in those individuals; there is no question about that. And for 150 years that has worked out profitably for the benefit of the Nation.

And now that the thing has worked out, it is just like an old clock that has been running for 150 years; there is no reason why anybody should jam the works or take it apart. There is no reason for such action in the case of this Government. This is not a pure democracy, but is a democracy in which the confidence of the people has been placed in their selected leaders.

And I do not care in what kind of language you put a proposal of this kind; if it is to put the matter back to the decision of the 150,000,000 people of this country, you will subject them to a terrific amount of propaganda, which will be poured upon all of us, and the question would be argued and discussed on the radio and everywhere else, and this country would become the most divided country under the sun. And that is true whether it is a foreign war or not. We have a Navy which acts for the United States in foreign wars, in certain matters of emergency.

Gentlemen, I do not think any change whatever should be made in the Constitution with reference to this important question.

Senator WILEY. The original proposition, that is, in England, was that the King had power to declare war. Then in our Government we said that war should be declared only by the Congress. And Thomas Jefferson said that was a check on the power of the States.

And my thought was that, in this kind of resolution I have suggested, it was a double check. In other words, it simply says that in all instances of foreign war, the people themselves should have the right, not to declare war, but to vote on whether we shall be engaged in war. Would you be in favor of that?

Colonel TAYLOR. No, sir.

Senator HATCH. I take it from your statement that you are opposed to any amendment of the Constitution on this subject.

Colonel TAYLOR. Absolutely. We have full confidence in the Congress of the United States. They have handled the subject perfectly, and why should we make a change?

Senator HATCH. We will now hear Major General O'Ryan.

STATEMENT OF MAJ. GEN. JOHN F. O'RYAN, NEW YORK CITY

Major General O'RYAN. Mr. Chairman and gentlemen of the committee, in its original form the Ludlow bill, through constitutional amendment, would have transferred the power to make war from the Congress, where that power now lies, to the voting population of the country, except in case of the actual invasion of the United States or its territories and attack upon its citizens residing therein. The bill in this form received impressive support throughout the country. But, under criticism, it became obvious that if the amendment were adopted in that form it would indirectly invite aggression upon the United States and as well constitute in effect an abandonment of the Monroe Doctrine. Therefore, regretfully many of its supporters were forced through the inexorable logic of the criticisms leveled

against it, to realize the perils it would induce. I became clear to many, I think, that their favorable reactions had been emotional in character, and not the result of logical analysis of what was proposed. To meet the objections made to the bill in its original form it has now been drastically amended, and it is to the bill in its present form that I shall direct my criticism.

At the outset may I say that the bill as it now appears, bears little relation to the hopes induced in the minds of some millions of sincere men and women who saw in the original bill a simple solution of the war problem so far as our country is concerned. They must have believed in the possibility of national isolation in the present-day world. They had not realized that an invasion of Canada was, in military effect, an invasion of the United States, only more effectively so because it would permit the invader to transport to Canada a vast army for the invasion of the United States, without military or naval preventive action by the United States, at least in timely, definite and orderly manner. They had not realized that the Republic of Cuba, at our doorstep, being no part of the United States or its territories, might be made the rendezvous for aggression against the United States, without power in our own Government to prevent it, until the electorate of the country by referendum with accompanying pandemonium of clashing propaganda, had specifically given such power. They had not realized that modern war when conducted by a great military power strikes like a bolt of lightning, and is in fact referred to in Germany as "blitz krieg" or lightning war. They had not realized how vital to our Navy is the maintenance of the Panama Canal, and that the zone which separates it from adjoining countries is narrow, and that a seizure of one of the adjoining countries by a blitz krieg expeditionary force could meet with no military or naval opposition by the United States without a referendum, unless the President and the officers concerned violated their constitutional oaths of office. They had not visualized the potential combinations of military and naval power that might make entirely practical such eventualities of aggression, nor had they therefore considered that by the bill they were advocating, they were in effect seeking to hamstring their own Government in times of national emergency when every hour of delayed action would involve the preventable, and therefore the reprehensible, loss of life in the Navy or the Army or both.

They could not have known that our military history shows that it is the people—not the President or the Members of Congress—who develop the war spirit. Neither President McKinley nor the Congress could prevent the declaration of war against Spain in 1898. The people wanted war and forced it. It was so with the declaration of war against Great Britain in 1812.

I might go on. Suffice it to say that the bill was so amended as to leave with the Congress the power to declare war, if, for example, Patagonia is threatened with invasion by an African, Asiatic, or European power, but is without power to declare war if the civilization of Great Britain or France, which is akin to our own, were at stake, and its survival dependent upon the immediate concentration and employment of the balance of power represented by the United States.

Now the point I would make is this, that when you gentlemen of Congress deal with this subject of war, you are dealing with a complex and dynamic force which possesses potentialities for terrifying consequences to the Government and the people of the United States whose representatives you are, and in referring to such consequences I do not exclude actual disaster. And if you will compare what was proposed in the original bill, with what is now proposed, you will be struck with the assumption of national isolation which is the soul and spirit of the original bill, and on the other hand with the comprehensiveness of the war-making power which the supporters of the bill (though evidently suspicious of the peaceful attitude of the Congress) now concede its members; and it will become obvious how illogical and emotional and unrealistic has been their thinking. Strictly confining in the original bill the war powers of Congress to the protection of the territory of the United States, they now confide to Congress the power to make war for the protection of all the countries of the Western Hemisphere. It would seem that this far-flung jurisdiction, so inconsistent with the basic principle upon which the original bill was offered, so reckless in its concession to men who are seemingly suspected by them, that one is tempted to conclude that the present bill is merely a face-saving move.

But irrespective of these considerations, there are very vital reasons why this bill would not receive the approval of the Congress. Let us consider, for a moment, the actual workings of the referendum and the purpose to be served. To be of any value, a referendum implies that the voters will vote intelligently and in the interest of the country. To do this they must know what is at stake in a national sense, not in a merely local sense. Therefore, they must be informed. By whom? Obviously in a referendum there would be at least two opposing views each supported by propaganda. Over the radio, and from the pulpit and at 50,000 crossroads throughout the country, there would be discussions and debates instead of action. Emotionalism would run riot throughout the country. Every stimulus would be exerted by enemy agents to promote disloyalty and treason among those supporting the negative side. These agents would be working with the people to obscure the realities of the situation, to stimulate resistance and sabotage and to gain information. The hearts, the minds, and morale of the population would be laid bare for the information of the enemy at a time of great emergency when reticence regarding our family affairs should be the rule. Throughout this period we would have, in effect, throughout the country an internal "Blitz Krieg" of clashing racial antipathies, demagogism, regional and locality interests. When we contemplate the size of the country, the measure of the population, and the mean standard of the education and knowledge of world affairs of the population, the proposal appears astounding. Certainly 60 days would be a minimum of time within which, with any sincerity, to present the issue to the people with any show of opportunity for reasoned understanding and judgment, and yet this is the period when attention, energies, and united loyalties of the entire population should be concentrated upon military and industrial mobilization. If the answer is that 60 days need not be allowed for consideration of the subject, and that the referendum is only a pro forma matter, then the referendum is likely to constitute a tragic disaster.

At present, only Congress may declare war. When there is even remote threat of war coming to the knowledge of our State Department, the leaders of Congress are confidentially informed of the trend. They thus have opportunity to study the complexities involved. Say what you please about these representatives of the people, I think you will agree that whatever may be their understanding of public and international affairs, the measure of that intelligence and understanding will always be substantially greater than the average intelligence and understanding of the voters of the country.

Therefore, the proposal we are discussing would, in effect, take from Congress (a more capable body) the right to determine the question of war and vest that determination in a less informed and less capable body, namely, the voters of the country.

There are 14,000,000 persons among our population who were born in foreign countries. We have a high percentage of native-born and naturalized citizens who are not so distantly removed in terms of time from their former or inherited European loyalties and preferences, as to be wholly free from foreign influences, at the time they would cast their votes. It might therefore very well be that in a referendum the class of our population we may call American Americans would not determine the issue. Conceivably they might be divided in their views regarding a declaration of war, and the balance of voting power would then rest with elements or blocs of voters whose determination might be influenced not by the interests of the United States but consciously or unconsciously by the interests of the enemy.

There are millions of voters in the United States who in the intellectual sense are underprivileged. In a close vote, they might constitute the balance of power and determine the outcome of a referendum. Are these blocs of foreign voters and persons of underprivileged intellect a safer group than Congress to determine the question of peace or war?

There is to be considered the cruelty of a proposal which in effect would say to millions of American mothers: "The power to declare war and to send your son away, perhaps to be killed, rests with you, and you must say 'yes' or 'no' and record your decision in writing." What an opportunity such a situation would offer, aside from the barbarity of it, to release among our people the forces of disruption and of clash between maternal instincts and the logic of a particular situation.

There is also to be considered the effects of this referendum plan upon the war plans of our potential enemies. Ask yourselves, as experienced men, whether an aggressor nation would not secretly hail with joy as well as with merriment the enactment of this proposal. The basic lack of realism affecting that proposal is clearly indicated by the assumption that the people themselves are more to be trusted than Congress in avoiding war.

This is also another basic assumption of the proponents of this bill. It is the idea that the declaration or the withholding of a declaration of war, determines whether or not there shall be a war. The assumption seems to be that it takes two to make a war as if one side had offered the other the opportunity to go in for a good war and the other could graciously decline the invitation and therefore there would be no war. But, in reality, it takes but one, namely, the aggressor, to visit war and its consequences upon another nation and

the latter has no choice except to fight or surrender without fighting. It is inconceivable that Americans will surrender without fighting whether the aggression takes the form of an invasion of the United States, or Canada, the Canal Zone, or some vital interest of ours, irrespective of its location. If the urge is strong enough, the emotional response of the people, including many of those who now believe in our mythical isolation, will be for war. It will rest with Congress, as it has in the past, to be the dam to stop and impound, if possible, this emotional flow of antipathy, hatred, and war lust.

It has been claimed that the most sinister of all tactics employed in this country by the Communist leadership for the destruction of our form of government are not the tactics of violence, but rather some form of appeal insidiously calculated favorably to arouse the emotions of the masses of our people in favor of a project or reform appearing superficially to be in their interest but in the heart of which there is secreted the Communist infection. In this instance the hidden purpose is to cut stealthily but drastically into the body of our constitutional form of government by substituting for the orderly debates and judgments of Congress, now provided for by the Constitution when the decision is one involving a declaration of war, the distractions, internal disruptions, and emotional reactions of the electorate of the country. So far as a decision regarding a war declaration is concerned, what is proposed is, in effect, the substitution of the Soviet idea for the American concept of representative government. In other words, this proposal, of which most of its supporters seem ignorant, would amputate one of the vital powers of Congress from the body of the Constitution and graft upon that body a Bolshevik substitute. I cannot believe that any student of the American form of government who is a representative of the American people in the Congress of this land would be willing, on this point alone, to give his support to what is proposed, and if this be true then his constituents should be advised of its significance.

Senator HATCH. We will now hear Mr. Weil.

Would you please give your full name and address?

STATEMENT OF CHARLES A. WEIL, NEW YORK CITY

Mr. WEIL. One hundred Gold Street, New York City; occupation, merchant.

Mr. Chairman and gentlemen. I feel quite humble here.

Senator HATCH. We will be glad to hear you.

Mr. WEIL. After such a distinguished witness as General O'Ryan has spoken, I feel rather humble; and I am going to file, if I may, a brief that I have prepared, with copies for each member of the subcommittee; and which I now submit [handing papers to clerk].

While we may sympathize with the utopian ideals of many proponents of this measure, we cannot afford being swept by wishful thinking into overlooking the realities of international life, which involve the possibility that some of its advocates, not so sincere, not so utopian, support this resolution as the best conceivable device for undermining the security of the United States.

For, of the eight cardinal principles of strategy, the instant resolution would deprive this country of the benefits of four or possibly five.

I shall confine myself to the extent to which the proposed amendment tends to handicap the national defense. I have no doubt that others have made perfectly clear the changes involved in this proposal of our fundamental structure of government, and the extent to which our original structure of government is being changed to a pure democracy for just this one, single purpose.

I believe that others have in the past—those who are not at the hearing today—made clear the extent to which such an amendment would render impotent the diplomacy of the Government.

The resolution predicates certain errors enumerated in the brief, which I hope will be closely read. I will not enumerate them here.

But to report this resolution favorably, this committee must believe and decide that the people as a whole will be more competent than the Congress of the United States to pass on military problems such as (1) whether the United States could be made to submit to a transoceanic hegemony, by distant blockade or actual invasion; (2) whether such hegemony is in the making (whether it is a military and naval potentiality at any given moment); whether it is good military strategy to wait until we are "actually or immediately threatened" by an "approaching military expedition or attack."

Senator HATCH. And attack?

Mr. WEIL. Yes, sir. Now, if the people lack the sense to elect men to Congress who are competent to pass on such questions, it is doubtful if the same people will have the ability to pass the greater complexities of international affairs themselves.

I will now read point 1 of this brief:

There is not a scintilla of evidence that the United States ever waged war for frivolous objects, or that any war we have fought in the past was unpopular at the moment we made our decision to fight. The burden of proof is on the proponents. And I submit that they have not borne that burden.

History rather indicates that the majority of the people not only favored all our wars, but in many instances compelled reluctant Presidents to engage in them. This was true of McKinley, who resisted efforts to force us into conflict with Spain. It was true of Wilson.

Now, one of the things that the proponents of this amendment must necessarily have believed is that an *attaque brusquée* can never vitally affect an interest of ours before we can decide to act under the proposed amendment. "Never" is a long time. While many military experts do not believe in the present efficacy of the blitzkrieg (lightning war), many others do. Only the acid test of experience can determine the matter. Who can tell what future military weapons and methods will produce? Should it be possible to avail ourselves of the blitzkrieg, to protect interests vital to us, is it wise to deprive ourselves of it by self-denying ordinances, analogous to the other noble experiment, that all but wrecked the morale of the Nation?

Memnon, the Persian general, said that it is better to wage war in a foreign country than in one's own. That involves the application of offensive strategy, even to meet the needs of a defensive policy.

Applying that maxim to the United States means stopping an attack before it can be launched, rather than relying upon a high-water-mark defense, leaving our own waters to become the battlefield, our coastal cities the objectives of raids, and our coastal trade the

prey of our enemies. It means nipping in the bud the development of any power that can attack us successfully.

To disregard the maxim leaves to potential enemies the choice of picking for attack a time and place most favorable to them. Such a passive defense tends to cause dispersal of forces likely to lead to defeat.

Addressing myself now to S. J. Res. 140, that is the essential defect of that bill. It is the same as that in S. J. Res. 84.

So to wait until we are "actually and immediately attacked" is to give the great military advantages of the offensive, initiative and surprise to the enemy by constitutional guarantee, and limit ourselves to passive defense.

One of the criticisms of our conduct of the World War was that we spent a vast amount of blood and treasure and got nothing tangible for them.

I submit that we did get our security for it.

And I submit in addition that, where there is an emergency in advance of engagement in hostilities, it might be possible for the President, by negotiation as to conditions for our help, obtain naval bases and other advantages. It might even be possible to prevent us from getting into war.

And in a case of that kind we would be in a position to engage in a limited war. If we should engage in a limited war, we do not have to engage the entire manpower of this country. And then we would not have to make the sacrifices we would have to make if we remained, as some want us to do, in splendid isolation.

To believe that we could win any war against a transoceanic enemy without an overseas expeditionary force is to ignore the teachings of history and to disregard military doctrine, that no war can be won except by offensive strategy.

Only where sea power, such as ours or that of England, has been in conjunction with adequate land power, has it been effective. For no war has ever been won by wearing out an enemy with an impregnable defense. Sea power alone, like air power, cannot defeat a great power; it cannot conquer or hold territory. Sea power only utilizes the command of the sea which its superiority confers, to send military forces and material where they can do the most good. Thus, for 2 centuries the British Navy performed the function of denying to the enemy its ability to supply itself, while convoying or feeding military forces which imposed vast expenditures on the blockaded enemy, designed to exhaust it, and to penetrate the enemy and destroy the power to resist.

That is particularly directed to the term "overseas" in S. J. Res. 84.

My next point is that practically all the premises underlying the proposed amendment, all the false assumption of military and naval science, however, fall with the premise that the United States will never have any interest in the world distribution of power—and let me emphasize that word "never"—will never have any interest in the world distribution of power; and that it can afford the setting up of transoceanic hegemonies, supreme in their own region on both land and sea. For if ever in the future we should have any such interest, the proposed amendment would bar us from taking effective diplomatic steps to forestall a war involving the power equili-

brum, and from taking prompt military action necessary, perhaps, to defend that power balance.

As with England in 1914, as with us in 1917, the election again may be necessary; of fighting a preventive war in association with other nations to thwart upsetting the world balance, or risk having to fight later alone, when the chances of fighting successfully would be greatly diminished and the American effort necessary to do so would be immeasurably increased.

Senator WILEY. May I inject a question at this point?

Mr. WEIL. Yes; certainly.

Senator WILEY. Because we are seeking the truth. We are representing 150,000,000; we are representing more than that, because we are also representing the people of the world who are trying to find a way out of war.

Now, in 1917, instead of asking Congress to declare war, suppose that there had been a referendum submitted to the people of this country; how would that have injured America?

Mr. WEIL. Well, I will answer that—

Senator WILEY (interposing). Suppose the people then had voted for war, and it had taken 30 days—and we have evidence submitted here that you could, if you wanted to, get a referendum in a week. Some people laugh at that, but nothing is impossible in America, as some of the witnesses said Bunker Hill demonstrated, and we demonstrated in the World War. Suppose we had submitted the matter to the people in 1917, what then?

Mr. WEIL. Well, first of all, a referendum that did not give the people an opportunity to debate thoroughly would not be worth while at all. To give the people time to debate would mean such a delay as, perhaps, to lose the war. Now, turning back to the years 1917 and 1918, you will probably recall—

Senator WILEY (interposing). Everybody lost the war in the end, did they not?

Mr. WEIL. Well, that is something like in a lawsuit today, when you are sued and successfully resist, because you have the lawyer's fee to pay, and so in that way you have lost the lawsuit also. But just think how much more you would have lost if your lawyer had not been able to nonsuit the plaintiff.

Senator WILEY. Well, we are now back to 1917.

Mr. WEIL. All right.

Senator WILEY. The people voted for war. The major general stated that we would never go into a war that the people did not want to get into. In 1917 the people voted for war, and we got into it.

Mr. WEIL. Well, let us say 60 days.

Senator WILEY. All right.

Mr. WEIL. Let us get the naval situation, and then we will go into the military situation.

Now, the naval situation when we got into the war was this: The Germans were sinking from 600,000 to 900,000 tons of shipping every month when Admiral Sims arrived in London in April, shortly after our declaration of war. He was informed by Admiral Jellicoe that England could not hold out much longer; and it was thanks to the convoy suggestions of Admiral Sims, plus the effectiveness of American naval forces, that submarine sinkings were brought down, by the

end of the year—I say this subject to correction, to about 200,000 a month. Had sinkings continued at the rate they were then going in the months of April, May, and June, the war would have been lost. That is the period during which we would have been debating. Had the United States delayed its entry another 60 days, the military situation on the western front would also have been vastly different. I doubt whether there would have been American troops in the line at Chateau Thierry in time to stop the German advance. I also doubt whether the superiority of rifle power would have turned in favor of the Allies during the summer of 1918 in time to have permitted the end of the campaign during that same year. Furthermore, if American credits and matériel had not been put at the disposal of the Allies and the morale improved by our support at the very time that it was, there is a great question whether they could have carried on till 1918.

Senator WILEY. Now, let us assume those to be the facts. What do you mean by saying the war would have been lost?

Mr. WEIL. The war would have been lost, because England would not have been able to continue if the sinkings had been continued.

Senator WILEY. You mean by that that there would have been a stalemate, do you not?

Mr. WEIL. No, sir; I mean that Great Britain and France would have been overrun and conquered.

Senator WILEY. That is what you mean?

Mr. WEIL. Yes; and as I shall show later in my brief—and I will be glad to have you ask further questions on that point—had that war been lost, there is much reason to believe we would have been next on the list. However, I will deal with that in its proper place. I do call the committee's attention to—

Senator WILEY (interposing). I think you should elucidate there; because I think you are making a contribution that is not very often understood.

Mr. WEIL. Well, may I deal with that later?

Senator WILEY. Certainly.

Mr. WEIL. I do want to call the committee's attention in the brief to some of the instances in which in practice the United States was irresistably drawn into the operation of the balance of world power.

Senator WILEY. You might go into that briefly.

Mr. WEIL. Up to the time that the United States began to spread across the continent the elements of world power were all in Europe. But in 1823 the British Prime Minister Canning suggested the Monroe Doctrine to "bring the New World in to redress the balance of the Old."

With the further development of the United States, the rise of Japan, and the movement of the Russian center of population toward the Pacific, the center of world power shifted.

In 1904, President Theodore Roosevelt threatened to help Japan, when France and Germany seemed on the point of helping Russia. But when the Russian fleet disappeared under the waters of Tsushima, and Japan began to knock at the gates of the Russian maritime provinces, Roosevelt came to Russia's rescue by negotiating peace.

Then again, when Japan needed transportation to Russian maritime provinces, when she remained in possession of Vladivostok in 1921, we told Japan to get out or else * * *

In affairs trans-Atlantic, whether or not by conscious design, our opposition to a combination in one nation of regionally supreme sea and land power is quite manifest.

That is a point upon which I would like to depart from my brief to explain:

The balance of power in the world to us means just one thing: The separation of supreme naval power and of supreme land power in any section of the world. An overseas nation having a supreme army cannot reach us. An overseas nation having a supreme naval power cannot strike us. But with a supreme army and a supreme navy in its own region it can both reach and strike, invest and penetrate—that is, blockade and invade us.

That is the one thing that we must beware of. And nothing else explains our entry into the war in 1917 on the side of the Allies, except to prevent Germany from upsetting the balance of world power to our peril.

It is sometimes argued that after fighting a war that would result in the creation of hegemony, the victorious nation would be unable to fight soon again. Yet, look at Germany—after fighting a long and exhausting war, and losing it, in only 20 years she is ready again. What could she have done had she won? History is replete with proof that with the spoils of victory, it does not take long to gird up a nation's loins for the next victim.

Any transoceanic hegemony could outbuild us upon the sea, and with the command of the seas such as superiority confers, impose its will upon us. We can be blockaded and reduced by attrition, by enemies that need not even invade this hemisphere; but we can also be invaded by their expeditionary forces, by virtue of their superiority at sea and the security afforded their rear as a result of disarming other nations.

Moreover, such a hegemony can bankrupt us by closing the world to our trade and, by imposing on us huge arms outlays, force us into regimentation and totalitarianism.

Nor is it likely, were such hegemonies created, trans-Atlantic and trans-Pacific, that they would conflict with each other, meeting as they would in arid Central Asia, with its paucity of wealth and communications. Rather it is the United States, which both would face upon the best medium of communication—the sea—which they would command.

One cannot do better than quote Daniel Defoe when the issue was presented to Great Britain whether or not to maintain the balance of power. He said:

Some people talk so big of our strength that they think England able to defend herself against all the world. I think the prudential course is to avoid the trial.

This does not necessarily involve, what so many people may think, entangling alliances. If I may direct the attention of the committee to a brief that I presented to the Committee on Naval Affairs a year and a half ago—I think I made that rather plain, and I will be glad to submit a copy of that, which was printed in the Marine Corps Gazette as an article;

Senator WILEY. We will be glad to have it.

Mr. WEIL. Now, I am treading on ground where angels usually fear to tread. And among the advocates of this measure are many

habitual supporters of everything calculated to undermine the country's security in recent years, to the profit of nations known to harbor schemes for world dominion—for domination of the world, the world we live in. Let us not be lulled into a false sense of security; into a constitutional straightjacket of inaction to our perils, however idealistic may sound the pretexts invented abroad to dupe us into it.

I have seen these people, the Ludlow-ists—they are the same fellows that oppose every appropriation bill for a battleship; the same people that wanted mandatory embargoes in the neutrality legislation—who do everything that would help certain countries. They are the same people.

This committee, therefore, is respectfully urged to report unfavorably the resolution for the referendum on war, and to state clearly—

(1) That the United States cannot afford, but must and will prevent, by all appropriate instruments of national policy, any one nation, trans-Atlantic or trans-Pacific, from becoming so powerful in its own region, on both land and sea, that it will be subject to no effective restraint, even if we were to throw our own power into the scales against it.

(2) That the combination of supreme sea power and dominant land power is the one thing that the United States must beware of; that combination which can reach and strike, invest, and penetrate, blockade and invade us.

(3) That the protection of America's vital interest in the world distribution of power would be prejudiced by the resolution before the committee.

That, sir, is the presentation of the main case.

Senator WILEY. Now, in relation to my resolution, S. J. Res. 140, what have you got to say about that?

Mr. WEIL. I offer for the record an article entitled "International Conditions," reprinted from the Marine Corps Gazette in 1938.

Senator WILEY. By Charles A. Weil?

Mr. WEIL. Yes. And since we are on the subject, I will tell you that I have here a sheaf of letters regarding that article, from Colonel Fegon, of the United States Marine Corps, General Craig, Chief of Staff, among others, including the Bureau of Naval Operations of the Navy, heartily endorsing the view of that article, which is concerned with our interests in the world balance of power.

I also have here a letter from Henry Stimson to the same effect; he was formerly Secretary of State.

Senator WILEY. This will be received and filed with the papers in the case and be a part of the record.

(The material referred to is here printed in full, as follows:)

INTERNATIONAL CONDITIONS

By Charles A. Weil

POINT I

The order of the day is to enunciate a clear policy after determining, freed from prejudice, fancy, and doctrinaire obfuscation:

(a) How to avoid war?

(b) Against what dangers shall we prepare and how, so that if war be forced upon us we can fight successfully at minimum cost?

(c) Since how much preparation we need depends on whether or not we will accept help from others, whether we had best work alone or in parallel action with others?

THE NEED TO FORMULATE AND ENUNCIATE AN AMERICAN DEFENSE POLICY

In a democracy, the clear comprehension by the people of the vital national interests and national purpose, and the clear enunciation by its government of the policy therefrom resultant, coupled with the evident and adequate means to implement such policy, is the surest safeguard against such a nation drifting into wars that do not concern it.

Now America is contemplating a huge armament program. But America has been told that it wasted its efforts 20 years ago in a war in which it had no concern and out of which it obtained no benefit. America is being told now that it will drift into a war again, that will be none of its concern, that threatens to be costlier to America than the last one in blood, in treasure, and in impossible attacks upon our cities by gas and explosives rained from the skies. The result is a psycho-pathological flight from reality and realism.

Much of the American "peace at any price" psychosis is due to mistakes made in past wars and to the failure to understand, on the part of the population, as well as of many of the officers of the defense establishments, what the true national defense policy should be. It is assumed that our only problem of defense is to prevent a foreign power or coalition from actually penetrating, from invading, the territory, possessions, and waters of the United States.

As von Clausewitz said, each nation must have its own strategy or policy. The proper strategy has seldom been followed by this country, and the exaggerated popular revulsion to armed conflict is due to the mistakes of the past in not fighting when we had to fight, as we should have fought; and due to the fear that war involves the same mistakes for the future as it involved for the past.

THE PROBLEM TO AVOID WAR

The mistake we made in the past was essentially:

Lack of preparation for war, moral as well as material, so that when it came, it took us too long to mobilize our strength. As a result, it required a general war and cost too much in blood and treasure.

It is held by many entitled to great respect that the World War would never have lasted as long, nor have cost as much as it did, had we entered the war on the side of Allies, as was recommended by Theodore Roosevelt early in 1915. It has also been held that we would never have had to enter the war at all had we been prepared, as was urged by Leonard Wood; that Germany would have stopped her submarine campaign as soon as it was made clear to her that such means of warfare would drag in a nation against her, whose strength added to that against which she was then opposed, would make a successful issue impossible for her. Those views have never been proven wrong.

Then we waited until the Allies were almost beaten, till their manpower was almost exhausted, and so we had to supply them with manpower, instead of only the material and credits that we first thought would be all we would be called upon to help them with.

PROBLEM TO AVOID COSTLY WAR IF WE MUST FIGHT

The feelings about our exorbitant war costs are to be seen and heard on every side. Statistics of the last war show that it cost us more in casualties and money than any other combatant nation to hold a given length of front over a similar period.

For instance, based only on the western front figures, our losses were approximately 8 killed per day per mile of front held as against $2\frac{1}{2}$ for Germany; applying all German losses on all fronts to the mileage on the western front, because the writer had no means of allocating. We had 50 wounded per mile per day of front as against 9 for the Germans as calculated above. And it cost us, calculated in the same way, \$2,000,000 per day per mile of front as against \$26,000 for the Germans.

WHAT WE MUST NOT DO

Nor does it serve our interest to make the same mistake as Lord Grey did in 1914. For had he made clear to Germany, the English intention to fight if Belgium were invaded, the war might have been prevented. So it were better, if we really would avoid war, to give fair notice of the circumstances which

would make us fight rather than to wait till the fat be in the fire. It is to our interest to give such notice, unless we wish to use Stonewall Jackson's maxim of warfare on the battlefield, in the conduct of our diplomacy, "Mystify, mislead, and surprise."

If our purpose be to lull certain foreign nations into a false sense of security in the pursuit of certain objectives in order the better to fall upon them like a bolt from the blue, then we can only cry out against the practice of such perfidy on them as well as on our own good people whose blood must flow so unnecessarily.

And so in justice to ourselves as well as others, if at any moment parallel action with any nation be the way of preventing our having to fight eventually, or waging any war we may have to fight at a minimum cost, it seems we should not strew the way with unnecessary obstacles nor obfuscate the issues with the red herrings or prejudices and misstatements.

Red herrings have not been strewn across the trail only by the isolationists. Much harm has been done by their opponents in the projection of war objectives that have no place in the scheme of national defense. The reference is to those who would fight a nation because of its form of economic or political organization. We have no doctrinaire interest in making the world safe for democracy, we only propose to spill our blood and spend our treasure to make the world safe for America.

So let us say we are not interested in the present cry of fascism versus democracy. If a European democracy were to attack Peru, a dictatorship; pursuant to the Monroe Doctrine we should defend the Fascist against the democracy. Likewise with the conflict of extreme right versus left; a plague on both their houses. Nor should we fight to protect or avenge those who not only place their property but lives, in reckless peril.

Neither have we ever fought, or will we, to act as collection agencies for those who have unwisely loaned their pennies, at the cost to us of pounds, not to speak of the blood involved.

Neither will we undertake to "police the world"; not even if the world appointed us policeman and paid us the policeman's salary, which latter thing, of course, it will not do.¹

Also we do not intend to fight one nation, at war with another, simply out of maudlin sympathy for the one or the other, where the result of the conflict can have no conceivable effect upon our security. But, by the same token, simply because the one is not fancied by some of us, is no reason why we should not come to her assistance, should our doing so coincide with the best interests of our own security.

THE ISSUE STATED AND ANALYZED

The American people has been vacillating between the attempt to deal with the situation, on one hand, by artificial methods involving the imposition of self-denying ordinances, of legal strait jackets such as our isolationists concocted with the Neutrality Act; and on the other hand making nervous threats of "quarantine" against nations with whom we are now at peace, with rumors flying that we are pursuing a policy of "parallel action" with other nations that some of us may not like.

Evidently there is a problem and a danger and it should be stated so that we can deal with it in an orderly way, through a coordinated policy. Resolved into its bare essentials the problem is, What is the best method of keeping us out of war; and if those methods should fail, what is the best way of fighting? Breaking that problem down into its own component parts we must decide what, if anything, shall provoke us to fight, and what is the cheapest but most effective way of fighting if we have to.

It seems plain that, if it be conceded that there is any possibility, however remote, of our being obliged to defend ourselves, there is the question whether we shall cooperate with others having similar interests. In either event, if it

¹ A word is not amiss here regarding treaties. Unfortunately too many nations have flouted treaties and other contractual obligations. The result is an attitude of cynicism with respect to such obligations on the part of our own people as well as foreign nations that in effect says, "Why fight over a scrap of paper?"

Our purpose is not to comment on the ethics of an attitude, which to keep the record straight, the writer does not approve of. The point is mentioned in order that, when we discuss the possibilities of taking action by reason of an infringement on any treaty rights, that we may make clear to the people the facts back of the treaty which made it reflect vital national interests.

be conceded that we ever have to fight, then we must determine how much and what kind of an effort we should make to prepare for the eventuality. So, whether or not we cooperate, we need adequate defense establishments.

However, if those isolationists, who favor a lone hand, wish to be at all consistent, they then have to elect for a larger effort of preparation against war than would be necessary if we can depend on some measure of help from others.

They must realize that our position is the same as that of the wheat farmer of Kansas, who might compete with and therefore hate the wheat farmer of Missouri, but who makes common cause with him at times when it comes to legislation proposed at Washington, that is designed to help them both against the cattle farmer of New Mexico, the industrialists of the East, or the bankers of Wall Street. These isolationists must also realize that if one wants to do one's own insurance, as does a large company like the United States Steel, one must build up a larger reserve and set aside larger amounts as premiums than would be necessary were the insurance to be covered with others having the same type of risks.

Thus we must know what dangers threaten and what nations run the same risks. The dangers against which we must prepare are of sea powers becoming also dominant land powers and of land powers becoming also supreme sea powers. Let our leaders state the facts and let the people debate them openly in terms of realism and not of ideology.

POINT II

So it is now meet to consider what vital national interests we have, the only interests the defense of which could warrant war. They are the territorial integrity, standards of living, and unity of the Nation at large.

We must have a policy to cope with—

(1) Attacks against us, whether by—

- (a) Invasion.
- (b) Attack on Panama,
- (c) Violation of the Monroe Doctrine,
- (d) Distant blockade,
- (e) Assailing our national unity or standards of living;

(2) Or risks of the above, involved in a dominant land power acquired supreme sea power and/or a dominant sea power acquiring in its own region overseas land hegemony as well.

The strategic interests of the country are therefore to forestall foreign attack by—

1. Invasion of the homeland: Americans generally assume that the Atlantic and Pacific Oceans are barriers to invasion of this hemisphere. In fact, the ocean, once command of the sea is obtained, is a better highway of transport for an expeditionary force than roads and rail.

Our own history is replete with instances where, with command of the seas, it proved easier and cheaper to transport troops by sea than by land. When we fought Mexico, instead of marching through Mexico from Texas to Mexico City, we transported by sea a force that landed at Vera Cruz and took the capital. We know that the British and the French had no difficulty in landing expeditionary forces on this continent in the Seven Year War, the Revolutionary War, and the War of 1812.

As far back as 480 B. C., the service of supply for Xerxes' invasion of Greece was by ship, though the land route was secure. In our own times we have seen 2,000,000 American soldiers landed in Europe. England put nearly 800,000 men into Mesopotamia and probably 200,000 more into Salonika. She landed 400,000 at the Dardanelles, not to speak of her expeditionary force to Palestine.

It is a commonplace of peace that water-borne transportation is cheaper than rail or motor. And in war, the movement of large bodies of troops and their supplies are often very much slower by rail than by sea.

Moreover, a line of communication across the sea is less expensive to guard, if you have a concentrated battle fleet, than a line equally long on land where guerilla warfare or air raids can actually break up or paralyze the communications.

By sea deviations, or fausses routes as they are known in land warfare, are more possible than when communications are tied to roads and rails that in

turn are placed by the dictates of mountain passes, river beds, and the like. At sea mere raiding is not sufficient to cut communications, but the destruction of a single bridge like that over the Danube at Cernavoda can change the entire complexion of a war and hold up an advance for weeks.

The sea is really an open highway to our shores, not a barrier to invasion. That is why we must beware of any one nation becoming so strong on both land and sea, either in Europe or in Asia, that she can dispute our command of the sea and have an army large enough to send an expeditionary force either to North or South America.

Nor can we overlook the possibilities of attacks on this hemisphere that can come across the short stretch of Behring Straits via Alaska. On the Atlantic side, any foreign power, gaining command of Iceland, Greenland, and a base in Canada, could follow the old English line of invasion traced by Burgoyne down the Hudson Valley into the heart of the richest section of the Nation. Such an attack can be based on Fort Churchill on Hudson Bay, or if Canada be held by an unfriendly power, the attack can come via Quebec and Montreal.

2. Seizure or destruction of the Panama Canal would make it possible to interrupt our vital intercoastal trade and cut the territory of the United States in two by military operations in the Caribbean and Gulf of Mexico through New Orleans and the Mississippi Valley, the plan of campaign tried by General Pakenham in the War of 1812, and successfully carried out by Grant in the War of Secession.

3. Violation of the Monroe Doctrine, the purpose of which is to keep aggressive European nations from positions in this hemisphere from which could be launched effective attacks upon the American mainland, the Panama Canal, or the sea lanes over which are borne our indispensable imports and exports.

4. Attrition by the cutting of the sea lines; to be prevented by their remaining under our military control, or that of foreign powers not likely to have the will, or be in position impudently, to interfere with our trade in peace or war.

5. Affect our national prosperity and national unity.

OUR RAW-MATERIAL SITUATION

The first three require little additional comment or explanation. The two latter warrant some discussion. There are raw materials and foodstuffs without which, not only would our defense be seriously handicapped, but our standards of living and economic activity in peacetime, be seriously lowered.

Across the Atlantic come such strategic raw materials as chrome ore, mercury, platinum, magnesite, potash, flax fiber, and opium, as well as the large part of our necessary imports of indispensable ferrograde manganese, also large parts of our tin, cocoa, camphor, and mica.

Across the Pacific come our antimony, tungsten, graphite, tea, jute, manila fiber, nux vomica, quinine, rubber, shellac, silk, and substantial parts of our ferromanganese, tin, camphor, and wool.

Through the Caribbean and South American waters come our vanadium, iodine, nitrates, flaxseed, hides, coconuts, sugar, platinum, tin, cocoa, wool, and quebracho.

Any prolonged war on situation in which we are cut off from all or any substantial part of these products would entail not only economic paralysis and great suffering on the part of our people but probably the defeat of our armed forces.

Then there are certain raw materials of which we now produce more than enough for our needs, but the resources of which may well be exhausted in the next two or three generations, such as coal, petroleum, copper, and sulfur. On top of that, our population is increasing so that the next 50 years may see our numbers reach the 200,000,000 mark. With that increase in population we may also become a food-importing instead of a food-exporting nation, since much of our crop-raising land is losing its fertility and our forests are being cut down. The chances are therefore that we will, as years go by, become more and more dependent on outside sources for raw materials that we now produce.

Then if, in a protracted war, with its increased consumption of materials, there should be a drought for a year or two, our population might be made to suffer from hunger as the people in the Confederate States suffered in the Civil War. In the event of a blockade that could be carried out from Europe or Asia, the enemy could win a practical victory without even landing a single soldier on our mainland.

OUR MUNITIONS POSITION

Not only do we need imported raw materials today, but imported "arms, ammunition, and implements of war." One of the severe criticisms made of our participation in the World War, even by the then Secretary of War, was that our munitions industry was unable to supply our needs. It is unlikely that our munitions industries are more capable of supplying all our war needs today after 17 years of peace than they were in 1918, when, after being at war almost a year, we had to buy or borrow cannon, ammunition, and airplanes from our allies. Had it not been for our imports of arms in 1860-62, the Southern Confederacy would have won the Civil War.

Our experience in the World War proved that between the time we needed munitions and the time we had them all ready, such a time lag existed that the protection of our lines of communication, by which we can import munitions, until domestic production is adequate, are of the utmost importance. To protect those lines we have to have a navy with overseas bases and/or allies.

THE DISTANT BLOCKADE

However, were we not to have command of the seas, our plight might conceivably be made desperate. When we speak of command of the seas, we mean not just off these shores, but all the way across the Atlantic and all the way across the Pacific. For, an effective blockade can be conducted by enemy ships operating from the 15th meridian in the Atlantic and in the Pacific from the 130th meridian. That means that small enemy forces, stationed off Gibraltar, off the Channel ports, or off Singapore, Guam, the Bonins, or Marshall Islands, would be just as effective as if they stood just outside Sandy Hook or the Golden Gate.

It also means that if we would break such a distant blockade we would have to go 3,000 miles overseas on the Atlantic and 6,000 if it took place on the Pacific, or else go without all our imports and exports save the about 10 percent that we import from South America, and the 7 percent that we export to our friends to the south of us.

OUR EXPORTS AND FOREIGN INVESTMENTS, THEIR FUNCTION

In order to import goods we must have means to pay for them. To pay for them requires our obtaining foreign exchange by credits in the currencies of the foreign nations in the form of pounds sterling, francs, Brazilian milreals, Japanese yen, Italian lira, etc. But to get those foreign credits we have to earn them. To earn them we must supply goods and services to foreign nations.

The goods we supply are our exports. There are also the invisible exports that come from the rendering of services by our banking, insurance, and shipping. In addition, we have available the credits put at our disposal by payments on capital and interest on loans that we have made abroad.

Thus, foreign trade and investments are vital necessities for the Nation at large and not merely the interests of the individual citizens who would earn profits from that trade, or of the individual investors who hold the securities. It is not for nothing therefore, that our foreign trade serves as a barometer of business that is followed by both students and business men to forecast and explain conditions. For periods of national prosperity and activity are contemporaneous with periods of great activity in foreign trade, and when that foreign trade lets down, it invariably presages or accompanies a depression.

One cannot consistently espouse the ideal of the more abundant life, of a dynamic economy, unless the elements thereof be constantly borne in mind.

Hence, any change in the conditions affecting the security of the sea routes as far away as Singapore, Gibraltar, and St. Helena are of importance to us. Among the factors which can change such conditions are, assuming that policies of foreign nations remain the same—

(1) The rise of new and possibly unfriendly sea powers.

(2) The transference of sovereignty of strategic colonial positions on the sea routes from friendly to hostile powers, or from powers which by their size and sea power are not strong enough to affect us, to powers which have the strength and perhaps the will to cut off from either our import necessities or the ready sale of our imports.

(3) Attacks on national unity: A new form of foreign influence or attack, affecting the welfare of the Nation and its people, has developed. Being subtle

as well as novel, it has not yet received the popular recognition it may merit. Whether or not it is of sufficient importance to warrant resort to arms has yet to be decided.

The new strategic problem is to deal with insidious attempts to influence the popular will directly, without the intervention of armed forces. For war is the effort to attain national objectives by depriving another nation of its will to resist through the forcible imposition of hardship.

Economic warfare: It has now been found that hardships may be imposed on other nations by economic maneuvers, heretofore considered peaceful; and that the will to resist can be overcome without necessarily imposing hardship but by propaganda. In the economic sphere, any action by one nation affecting the prices of securities or commodities and the normal currents of trade and finance, must have their effects on the entire economic fabric of other nations. So, when one power pursues economic or political policies that create major economic perturbations in other countries, such policies become the object of concern in the countries where they create economic dislocations, that trend to occasion social dislocations of major proportion.

Hence, a policy which violently affects the prices of, say wheat or cotton, affects the lives of millions of people in our wheat and cotton districts, throws them into bankruptcy, foreclosure, or on relief and threatens the internal unity of the Nation if the disturbance be widespread enough.

A policy which (like any tending to create a fear of war) sends the prices of securities tumbling abroad, with similar repercussions in home security markets, is a policy which is beginning to be real concern to us.

A policy which affects the power of our foreign customers to buy from us, and which affects their ability to pay interest and capital on our loans to them, is also a matter of great concern to us, if widespread enough to affect our own ability to pay for our indispensable imports of raw materials and foodstuffs.

That such policies can be combated for a while by domestic measures is often true, but there may come a point where foreign-trade agreements, domestic measures of protection, economic controls, pump priming, relief, devaluations, and inflation prove inadequate to cope with the situation and then the question is presented whether to fight the foreign cause of trouble or disintegrate in the chaos of internal disorders that accompany widespread, enduring, acute economic distress.

An armament policy which imposes on other nations, who must keep pace, disproportionate expenditures for arms, affects their national standards of living and thus also creates dissatisfaction and dissension.

PROPAGANDA

In like manner, independently of creating dissatisfaction by the imposition of economic hardship, that dissatisfaction tending to national disunity, can be created by subversive propaganda. True, such propaganda is scarcely likely to bear fruit save when sown in ground already made fertile by acute economic distress. In fact, propaganda goes hand in hand with policies that set in motion the vicious downward spirals of deflation and depression.

The agencies of propaganda are known and are mainly radio, press, cinema, and agents provocateurs.

They need scarcely be discussed at length, since what they are, what they connote, and how they operate are immediately understood. Their effort to attack national unity and order have to be recognized as hostile and deserving of all the measures consistent with maintenance of civil liberties. Yet there is only one way of dealing with such efforts, especially when reprisals are impossible, by reason of control of press and radio in the country which makes such attacks. We have to do what was done when virtual ultimatums were issued in Germany to halt the flow of Herr Habicht's subversive radio propaganda directed at the national unity and independence of Austria. It will also be recalled that it was only upon Russia's promise that she would neither foster nor permit her propagandists to attack our unity that we agreed to enter into diplomatic relations with her.

SEA POWERS ACQUIRING LAND POWERS AND LAND POWERS ACQUIRING SEA POWERS

It has always been evident at least for many years that we would fight to prevent invasion or an outright attack on this hemisphere. What may not always have been realized was the advantage of a policy that would prevent

such attacks even being attempted, a policy designed to forestall any nation even acquiring the power to initiate such an attack. The first concrete statement of the principle that seems to have been made, at least that has been called to the writer's attention, is in the works of Admiral Mahan. He said:

"It cannot be to her (the United States) a matter of indifference should events weaken a nation upon whose general accord she can count, and strengthen one less likely to act with her. * * * It cannot be indifferent to the United States when the relative power of the European countries interested varies. On the contrary every such fluctuation in Europe will concern her. * * * In looking to the future it becomes for them (the United States) a question whether it will be to their interest, whether they can afford to exchange the naval supremacy of Great Britain for that of Germany. A German navy, supreme by the fall of Great Britain, with a supreme German army able to spare readily a large expeditionary force for overseas operations, is one of the possibilities of the future."

That we fought against Germany in 1917 a preventive war in order to forestall her, a land power, from becoming the sea power she seemed bent on being, with this principle in view, is now everywhere conceded.¹

Mahan wrote the above in 1910, before the rise of Japanese power in the Pacific. That rise to power now fills us with apprehensions, conscious or subconscious, that she will add to her necessary sea power land power that, extending the principle stated by Mahan, represents a potential threat to us. *But let Japan be assured were Russia to construct a preponderant sea power in the Pacific the same feelings of apprehension would undoubtedly arise, too.*

So let us reword the principle. It is that:

We cannot afford any one nation, trans-Atlantic or trans-Pacific, becoming so supremely powerful, in its own region, on both land and sea, that it is subject to no effective restraint even if we were to throw our own power into the scales against it, so powerful that it could single handed launch an attack against our most vital national interests.

This policy is expressed, less clearly perhaps, more in the jargon of diplomacy no doubt, in the statement of the chairman of the Naval Affairs Committee that "an adequate naval defense means * * * also a defense that will keep any *potential* enemy away from our shores." [Italics ours.]

This policy is particularly necessary if there be a scintilla of evidence that such aggregations of power are massing in concert with one another, on each side of us, Atlantic and Pacific; lest we be nut cracked at Panama, our solar plexus.

Publicists and statesmen all over the world know that if such be not our avowed policy, it ought to be. Those whom it favors cannot understand why the American public is not conscious of it. Our potential enemies hope and pray that it will never be explained to the public and that, if it should be, that the public will refuse to follow.

It is something like the old adage that the last one to know of a woman's indiscretions is her own husband. So we ourselves are the only ones not to be aware of our position. Let us tear away the camouflage that fools no one but ourselves.

It is not unlikely that potential enemies are behind the effort to mislead the public by campaigns of obfuscation, of red herrings, of befuddling the people with the distraction of doctrinaire conflict; in short with propaganda of every sort directed by organizations with high sounding, misleading names and slogans.

Moreover evidence is not lacking that even some, likely to benefit from our application of the principle, are short sighted enough to resent our awareness of these things, for fear it will deprive them of their traditional role in world affairs to some degree.

Here it seems not inappropriate to observe that one must be on guard against any attempt, however made, directly or indirectly. For instance, Britain made a direct attack on Spanish sea power and wiped her off the seas.

¹ What is not everywhere conceded is that our action in 1917 was justified. For instance, General Hagood, like many other generals who have written concerning the war, admits that we entered the fight because "We were afraid Germany would defeat the Allies * * * and then, after that, would overrun America." However, some, such as Hagood, think that our apprehension was unwarranted.

It is pretended that after fighting a long and exhausting war Germany would not have been able to fight soon again. Yet only 20 years after losing the war she is ready again. What could she have done after winning it? History is replete with proof that, with the spoils of victory, it does not take long to gird up the national loins for the next victim.

Germany in the last war made direct attack by submarine and indirect attack on land. Louis XIV and Napoleon each made the attack indirect, "to conquer the sea by the land." For, all the time Napoleon was in Russia, Italy, or Spain he was really fighting the English.

The mere fact that a nation has no apparent sea power cannot obscure the possibilities of her acquiring it by other means such as land power. While so far sea power has always repulsed sea power, except when Rome was overthrown, today land power is supplemented by a new factor that seriously conditions the use of sea power when the airplane and submarine has bases near to the bases, routes, and termini of the sea power.

No legislation is necessary or advisable to effectuate these principles. Legal straight jackets in foreign affairs are out of place, as they are more often a source of embarrassment than help. Let us only understand what we have to do, and do it when, as, and if it is convenient, as with the Monroe Doctrine.

POINT III

ENGLAND'S PROBLEM STUDIED

Britain with analogous defense problems solved them with:

(a) Seapower through the medium of a strong navy employing "fleet in being" strategy.

(b) Preventive action by diplomacy and if that failed by war.

(c) Collaboration with nations having, at any given time, interests parallel with her own.

In looking about for a guide in matters of national strategy, it is always well when one can look at the experiences of others, and see what has been done by nations in positions similar to our own; for war is a business of position. Napoleon received more attention with that maxim than he did for another which expresses the thought much better. The other statement is, "*La politique des états est dans leur géographie*" which translated literally is "A state's policy is dictated by its geography."

When we seek a national strategy, we seek a national policy; as there is another truism among students of the subject, that "Policy and strategy go hand in hand." For national policies and objectives must be chosen that conform to the possibilities of the national power. Hence we seek example from other states having dictates of geography analogous to those which must influence us. In so doing we must also seek a nation with a long history of successful foreign policy or strategy.

Therefore in choosing, for example, the policy and strategy of Great Britain, it is because its position most nearly resembles our own, and because its policy has been successful in making it and keeping it a great power. The only other insular state we can study, Japan, is too young and its policy not yet tried by the processes of time. We will describe as briefly as possible the features of British geographical position that determine her policy; state her policy; and show what differences there are between what she can do, and what America can do.

ENGLAND'S CENTRAL POSITION

When the effect of the discovery of America was felt in the world, the political axis of Europe shifted from the Mediterranean and the continent itself to the Atlantic Seaboard. That put England in the middle. It meant England's position permitted her to operate on interior lines. She used those lines to become mistress of the seas and with her command of the seas she developed a national strategy we would do well to consider.

Let us quote Liddell Hart on the English strategy prior to the World War: "Our historic practice * * * was based on economic pressure exercised through sea power. This naval body had two arms: one financial, which embraced the subsidizing and military provisioning of allies; the other military, which embraced sea borne expeditions against the enemy's vulnerable extremities. By our practice we safeguarded ourselves where we were weakest and exerted our strength where the enemy was weakest."

The expeditions against the enemy's extremities were always relatively small and made up mostly of volunteers. The typical example is Wellington's Peninsular Campaign.

The English used their armies as mobile reserves, not for field army purposes until the World War, but to turn the scales on the enemy's extremities. For instance, there is an important school of thought in England, that the proper

strategy in the great war would have been to ask France simply to contain the German forces, a strategy favored by the geological escarpments in Northern France, while the English only attacked in full force at the Dardanelles.

The reasoning is that had this been done, Germany would have wasted her manpower in attacks on the French lines while the English were forcing the road to Russia. For it is held in many circles that had communications with Russia been kept open so that she could be supplied with munitions, Russia would have had a decisive effect at an early date and the revolution in 1917 prevented.

THE FAR-FLUNG EMPIRE

Great Britain is an insular power, completely surrounded by water, and those British Isles constitute the vitals of a dispersed, far-flung empire, of which England is the heart. A stab at the heart and the empire dies. A severance of one of the members and the empire needs crutches.

Dispersal while the main problem of imperial defense is also the great advantage in the pursuit of offensive strategy. But Britain, to defend herself, is absolutely dependent on keeping the seas open, since her manpower, her foodstuffs, and her raw materials must come from far overseas. Her dominions must be protected and her investments which, provide with her exports, the foreign exchange with which to pay for what she imports, must be protected.

Hence it is that the responsibilities of her defense forces are—

1. Defense of sea communications against attack by another power, or a combination of powers.

2. Defense against external attack; which include measures to prevent invasion of the British Isles as well as incursions of civilized or semi-civilized armed forces, against dominions and possessions.

It is worth while therefore to see what dispositions insular England takes to prevent anything being taken away from her, and how she used her means to keep on adding to her wealth and power. For England has won all her wars in modern history, save perhaps the American War of Independence.

ENGLISH DEFENSE METHODS

Her means are and have been: Concentrated battle fleets "in being" with dispersed cruiser forces to protect and convoy her own merchant ships all over the world's sea routes, while denying to enemy commerce the use of those same seas.

2. An army of almost insignificant size, barely adequate for local defense, but sufficient to: (a) provide expeditionary forces for the defense of naval bases of importance; to assist local garrisons in holding off attacks until reinforcements can arrive; (b) to provide a framework for expeditionary offensive forces; (3) for home defense to protect naval bases and ports in Great Britain against raids or landing forces; and (4) to provide anti-aircraft defense of vital centers.

3. Air forces, placed at points of importance along the lines of imperial communications to cooperate with sea and land forces operating locally; and to provide an air "fleet in being" based on England, for purposes of defense and offense in Europe.

With these means Great Britain acquired and defended a dispersed empire, lines of communications all over the world, that had to be kept open for the 46,000,000 tons of imports every year of the food stuffs and raw materials on which England feeds and supports herself; in peace as well as in war.

For England is deficient in almost every important foodstuff and industrial raw material. She produces only about 20 percent of her necessary wheat and practically none of her oil. It is true that all that she needs she can find within her empire. But to use it, like the life blood of the body, it must flow uninterruptedly to the heart, the heart of empire.

Moreover the sea lanes which feed her, converge into, and the heart itself are only protected from attack by a narrow sheet of water close by on which are neighbors respectfully strong on the sea, fully as powerful in the air, and far more formidable than Britain on the land.

Yet Britain goes on and on. She is always about to crumble, but never does. She muddles through, she says; but this writer does not call "muddling through" what appears to be a policy tried and not found wanting. It is worth studying.

Thus with a couple of hundred heavy guns mounted on floating platforms that constitute her battle fleet, an army that the Germans in the last war termed "contemptible," and an only average air force, she is what she is. She protects her shores from invasion, keeps open the seven seas for her trade,

maintains her telegraph and wireless information services, her air routes, wins every war, and with every war adds somewhere to her superb chain of trading posts and naval bases.

ENGLISH FOREIGN POLICY

Her policy has been to use those forces in conjunction with principles as definite as the law of gravity:

(1) Never to allow any single European nation to acquire sea power equal to her own (in fact to maintain a two power navy).

(2) Never to permit any single state on the continent to acquire such land power that if British sea power were to be thrown into the balance against it, that England would not eventually prevail.

(3) Never to permit any great sea or land power to gain control of the shores of the low countries opposite her own from whence may be launched an expeditionary force against the heart of the empire.

(4) An English Monroe Doctrine which says in effect "The integrity of the lands around the Indian Ocean are as essential to the security of the empire as are the integrity of Mexico or Panama to the United States.

(5) To foster the prosperity and unity of the people of the British Isles and the Dominions, even more dependent on foreign trade than the United States.

Moreover, she has operated on the basis of preventive action, not waiting until the wolf was at the door, but where a continental power engaged in a policy or a war the success of which might have conceivably resulted in the acquisition of the power or position that England would deny, England immediately joined such powers as were resisting the move, diplomatically, and that failing, with well coordinated offensive strategy.

ENGLISH INTEREST IN INTERNATIONAL CONDITIONS

As was stated above, England has a policy with respect to foreign commitments we would also do well to study. In fact, it can be said that it is the policy which George Washington enjoined upon his own country in his farewell address. For Washington said:

"Tis our true policy to steer clear of permanent alliances with any portion of the foreign world. * * * Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, *we may safely trust to temporary alliances for extraordinary emergencies.* (Italics ours.)

The English have distinguished between the temporary and the permanent and have never hesitated to build their defense policy on cooperation with other nations having interests similar to their own.

Now, after the failure of the post-war attempt at collective security, England has returned to her policy of selective security, of understanding based not on written treaties but on natural communities of interests with nations having effective power and whose interests they are least in conflict with.

If the distinction be borne in mind between permanent alliances and temporary cooperation, Mr. Hull's term "parallel action" seems apt in describing a form of cooperation that does not involve a country in commitments whereby it is bound to fight.

Like Admiral Mahan, let us distinguish between natural relations and those which are purely conventional and artificial, based on cleverly constructed treaties. Parallel action, however, depends on nations having parallel interests being educated to the realization of the fact. For if national policy is to be strong and consistent, it must be based on an informed public opinion. And in order to ascertain whether or not parallel action is advisable or possible, it is necessary that those to whom foreign relations are entrusted be free to consult with representatives of the foreign nation believed to have such common objectives; to get confirmation or denial of such belief; "reserving always the fullest freedom of judgment and the right of independence of action."

POINT IV

Our position fits us even better than Britain to employ her methods, and the exorbitant cost of land warfare in blood and treasure compared with the relative cheapness of a navy policy and collaboration with states having similar interests, makes it desirable that we act accordingly and leave to experts to whom such functions are delegated the technical application of that policy without undue interference.

SOME ELEMENTARY PRINCIPLES PARTICULARLY AFFECTING US

The destruction of the German *U 151*, off the German coast, after a successful raid on American commerce off the American coast, by hitting a mine placed by an American warship, simply proves that the best if not the only defense against submarines can be made in the waters from which they emanate. That necessitated offensive strategy.

There has been some confusion regarding the matter of offensive strategy that needs clarification. While experts have spoken of the decadence of the offensive, they have usually referred to matters of tactics rather than strategy.

Strategy is the distribution and transmission of military means to fulfill the end of policy; whereas tactics, being where strategy leaves off, is concerned only with the methods employed in handling forces in battle or in immediate preparation therefor.

It is not denied that on land the lesson of the World War and subsequent operations, between forces equally matched in material, is that the tactical defensive is paramount to attack. It has to be admitted that offensives have had small effect in proportion to their cost in life and material.

The result is that tacticians have developed what they call the "baited" offensive which is a combination of offensive strategy, but with defensive tactics. It consists of so conducting operations as to invite an attack by the enemy, for which a riposte is ready, with victory in the counter attack. It has also been termed the "luring defensive."

However, the new tactics nowise affect the old principles of strategy that a war can only be won by offensive strategy. As for operations at sea, in the air, or operations of combined arms, the theory has not even been suggested that any war can be won other than by offensive strategy.

For war is a course of action to attain a national object, to which compliance is compelled only by the imposition of hardship. That hardship can be imposed by depriving an enemy of his internal and/or external communications.

The services of internal communications, i. e., production and transportation, are only subject to the interference of land and perhaps air forces. The external communications are the field of the Navy, and if a navy is to succeed it must attack.

It is not enough for the Navy to deny the enemy the command of the seas. It must capture that command of the seas for itself. For no war has ever been won by wearing out an enemy with an impregnable defense. Sea power alone can do little against any great land power. It never has. It makes use of the command of the seas which its superiority confers, to send superior military forces in time to the place where they can do the most good.

Only where sea power, such as England's, has been in alliance with effective land power, such as the French today, has it made itself effective in war or against war.

Such collaboration of sea power with land power is necessary if only to provide the military forces of the sea power with a secure bridgehead or tete de pont to the overseas scene of operations.

The Navy thus performs the function of denying to the enemy its ability to supply itself, while it convoys or feeds the military forces, which impose vast expenditures on the blockaded enemy designed to exhaust him, if in fact the army does not first succeed in penetrating the enemy country and get the situation in hand.

That function requires offensive strategy. But even in the realm of naval tactics, in engagements, the honors usually go to the attacker.

COMPARISON WITH BRITAIN THAT REQUIRE AND FAVOR OFFENSIVE STRATEGY FOR US

Now, there are certain aspects of position which differentiate ours from that of Britain. Most of these differences tend to make us less vulnerable to attack and facilitate a strategy of offense on our own part.

While we are not as truly insular as the British Isles, the land powers to the north and south of us are of little military importance, if we can command the seas and prevent any neighbors of ours from being conquered or reinforced, should they ever be unfriendly, by some trans-Atlantic or trans-Pacific great power.

True, we have one disadvantage in having our most vital single spot, Panama, external to us; and in having a line of naval defense, as to it, that extends 14,000 miles from Unalaska to the Galapagos, if not to Cape Horn, in the Pacific; and from Greenland to Rio de Janeiro, if not the cape, in the Atlantic.

But with offensive fleet in being, strategy not handicapped by defensive, fortress fleet strategy, that fleet is less likely to be hurt than one like the English Fleet, that has to operate in narrow seas most of the time, where submarines and airplanes are most effective. Hence it is less vulnerable on defense and freer to take the offensive.

Moreover, since we have fewer distant foreign possessions, an attack on which we must immediately defend; since an interruption of our sea lanes will not affect our power of resistance as rapidly as such an interruption will do to Britain; the Navy is not compelled to go as soon to the attack as the British Navy may be obliged to do. Hence, since we can pick our own time and place for offensive action, our strategy will not be imposed upon us by an enemy. For while we must import certain raw materials and foodstuffs, we can get along many months on our stocks on hand by measures of reasonable economy.

An attack on Gibraltar, Suez, or Singapore would necessarily immediately divert the English Battle Fleet from its home stations in the North Sea and leave her shores exposed to serious possibilities. But Panama and Hawaii can be watched and both coasts guarded by a fleet from almost any position north of the thirtieth southern latitude and within the thirtieth western and one hundred and sixty-fifth longitude.

America is substantially not vulnerable to any of the ordeals of the combat zone, at least so long as the Navy is still afloat. Nor is it even vulnerable to direct overseas air attack. The planes could not get here unless our Navy permits an enemy to build a base on our own shores or somewhere near those shores.

Nor are we exposed to planes based on aircraft carriers till our fleet be disposed of, entirely apart from the fact that experts are now agreed that it serves no military purposes to bomb civilians, and also apart from the fact that even the Germans are reported to favor a ban against the use of gas, poison, and toxic bombs entirely; or, in any event, against civilians.

Hence, whereas a large part of the British air forces must be kept at home for possible attacks on her concentrated, vulnerable, internal, industrial, and transportation centers, within short flying distance of shore-based enemy aircraft in great numbers that do not need aircraft carriers to bring them within range; so practically our entire air force is available for offensive action.

Being without as large a merchant marine as England, less of our cruiser force is needed for convoy purposes, and more is available for offensive action against enemy commerce.

On the land side our distance from nations having substantial land forces is both help and hindrance. For British homed based scout forces—airplanes, submarines, and surface flotilla craft—can give warning of an impending attack on home shores. But we, far removed from whence these attacks can be launched, with no bases or allies near the sources of trouble, are subject to military surprises that Britain does not risk, save from the air. Moreover, even were we to have knowledge of such an attempt being launched, we would experience great difficulty in knowing what its course or objective might be. For over a great ocean, with fausses routes open to the attacker, together with many choices of objective, defense force can be put on the horns of a strategic dilemma likely to lead to a fatal dispersal of forces and eventual defeat.

On the other hand, being far away also makes it more difficult for an enemy, as well as ourselves, to keep up communications for an expeditionary force against the raiding operations of aircraft, submarines, and surface flotilla craft based on home ports.

That is, however, another reason why our naval and air strategy has to be offensive, to stop attacks before they start, and why our Army strategy must be essentially defensive, with only such offensive operations as command of the seas will guarantee the success of.

Thus everything favors an American strategy of offensive character. That does not necessarily involve, however, the pursuit of an aggressive or imperialistic political objective; but it does mean that we can adopt a peaceful, status quo policy implemented by the most powerful fighting naval force in the world though dominated by preventive principles that a "stitch in time saves nine" and "eventually, why not now?"

OUR POSITION AND WEALTH MAKE US OBJECTS OF ENVY

The development of the lands bordering on the Pacific and the opening of the Panama Canal have again shifted the world axis, and put us in the middle.

Being in the middle can be an asset or it can be a liability. England by a realistic foreign policy and intelligent strategy made an asset of her central

position. Had she been less farsighted and strong, her position in the middle would have availed her only her conquest by Spain, by France, or by Germany. Has the reader never heard of playing both ends against the middle? That is what happened to the weak and the stupid.

The United States and its inhabitants enjoy many advantages that so-called "have not" peoples envy. We enjoy the huge resources of the most self-contained Nation on earth. We have even surpluses of many foodstuffs and raw materials that others could and would use. We have a surplus of arable and inhabitable land. We are on the sea with access to the entire world, while in a central position that enables us, if we have the will to exercise our potential and actual power, to deprive other nations of their access to many of the foodstuffs and raw materials that they do not produce. This is especially true since the opening of the Panama Canal. What is more, we stand in position to deny to others the exploitation or colonization of the nations to the south of us, in this hemisphere that would assuage the population problems of the envious nations, politically as well as economically.

We have thus everything that makes for power; and in a world where politics are still power politics, we must understand not only the economic factors, but the strategic.

Our position in the world is the most powerful or advantageous, from the point of view of trade as well as that of war.

We can bring our influence to bear either in the Atlantic or the Pacific; and if a power threatens us from Europe we have a fleet to deal with it; and if our threat comes from Asia, that same fleet, without leaving the waters under our control, can go out and meet it too. It means that if we are threatened on both sides, we can do what Napoleon did, meet one force, and after disposing of it, turn upon the other and win victory over superior forces, beating them in detail, by the use of central positions and interior lines of communication. The only thing we have to fear is a concentration of enemies.

So we have everything, except the will to use it. Again when we say we have everything, we mean we have everything that goes to make a strong strategic position, a position that can control.

Translated into military terms that position is—

1. Central.
2. On interior lines of the greatest importance.
3. Flanking lines of the greatest importance.
4. In control of the greatest trade crossroads of the world, Panama.

It has—

1. Natural offensive and defensive strength: (a) Sea power, (b) manpower, (c) resources.

As referred to above, the World War cost us fifty billions. Of these fifty billions, the cost of our use of sea power—that is, the expense of the Navy, transport service, and Shipping Board—amounted to seven billions, and our net advances to our Allies in credits for material amounted to about ten billions.

Of course, no one can afford over a quarter of a million casualties and outlays of over \$30,000,000,000 to operate an average of 60 miles of front for a period of less than 10 months.

We must never fight that way again. Nor do we have to if we exercise a little foresight. It is not necessary to go as far as some experts who assert that, in the war of tomorrow, there will be no use for infantry and artillery in trench warfare; that the entire war will be decided by airplane and swift moving, motorized, mechanized divisions, in an "attaque brusquee."

In the next war it is probable that sea power will exercise substantially the influence it has always played, and on land the ability to penetrate and paralyze the enemy will be largely dependent on the help the new arms and material will give to the foot soldier.

Today we have nothing to fear from any single nation. None is powerful enough even at sea to come within our own territorial waters and attack our most vital interests here. None is powerful enough at sea, and at the same time on land, to send and support an expeditionary force to this hemisphere. But things change quickly.

WHY WE ARE INTERESTED IN INTERNATIONAL CONDITIONS

Tomorrow may see a nation with a fleet that could defeat ours and at the same time an army that might meet ours on at least equal terms. Or we may see a coalition, of states with navies that combined would be superior to ours,

or of states with navies combined with states with armies able to spare expeditionary forces for overseas operations.

Being in the middle—in an era of international cooperation, which in the world of today means coalition, military and naval—involves for us the necessity of being prepared against any conceivable attempt to deprive us of the advantages we enjoy by reason of our resources and our central position. We are a rich, ripe plum that hungry hands may well reach out to pluck.

This must make us wary also of all possible combinations and permutations of power likely to answer to the requirements of those few nations in the world whose geographical position, resources, climates, and political tendencies make them factors in a world where perhaps might is not right, but where it takes rights away from those not able and willing to fight for them.

While our interest in the conditions affecting transatlantic and even trans-pacific power politics is more remote than other countries, let us also consider the example of England.

For England always had a more remote interest in the conditions affecting continental power politics than those nations on the continent themselves that would more immediately acquire or lose relative power by any prospective changes. However, that relative remoteness never prevented England from being farsighted enough to pursue a policy of preventive action, diplomatic and even military, whenever any attempt was made to disturb the continental balance of power to Britain's possible disadvantage.

It is therefore important to keep careful watch on the ebb and flow of power overseas so that before a storm breaks there, which may affect us, we are prepared to do the needful. It requires our understanding who are our friends and whose policies involve danger to our security. It requires our taking dispositions in advance. It requires that the clear, cool calculation of relative risks be not befuddled by principles that are obsolete or misunderstood or by historical prejudices or maudlin sentimentality that tend to make us mistake foe for friend and friend for foe.

We must be ready to collaborate with England, when it serves our interest; we must be prepared to oppose England, when it serves our interest. We should do likewise with France, Germany, Japan, and Russia, or any other power that can exercise any serious influence on our sea frontiers.

Mr. Baldwin said the English land frontier was on the Rhine. It is here contended that our sea frontier is the fifteenth meridian west and the one one hundred and fiftieth east.

Today a land power on one frontier has policies which might make of it a sea power; and on the other frontier, a sea power pursuing a policy of acquisition of land power. It therefore behooves us to consider collaboration with those nations who are resisting such efforts. Tomorrow the sea power engaged in resisting the former may be engaged in the acquisition of land power, while the land power resisting the latter may be engaged in the acquisition of sea power, and then our foe of today becomes our friend of tomorrow and vice versa. Hence no verity, save the Eternal himself, is eternal and so our policy. But merely because one has been once our foe cannot be allowed to obscure the fact, when he becomes our friend.

THE SOLUTION

One word in closing is not amiss regarding the memace of the plane to the battleship. It is a technical question on which we have to take opinions of technical experts that while planes might conceivably injure a battleship, the latter has its role. At any rate, we had better be sure than sorry, and so should build battleships inasmuch as there is no case on record of any battleship, over 15,000 tons, having a 3-inch deck armor, ever being sunk or even seriously injured from the air in battle.

If we know that other nations are building ships, we must build also so as not to be outdistanced quantitatively or qualitatively. If our admirals recommend such building, we cannot assume the responsibility for failing to follow their advice. It is better to be sure than sorry.

In stating that we should have a Navy second to none, at least, we state the principle. We have to leave it to experts to decide what is needed to make our Navy second to none. We cannot here presume to say how many, how large, and what kind of elements are required. Nor by elements do we mean only fighting ships but also auxiliaries, docks, bases, merchant marine, canals, and the like.

Moreover, once the principle for which we stand is stated, so that none may misapprehend, we have to leave it to those to whom our Constitution delegates the handling of our foreign affairs, as confirmed in the recent decision of Supreme Court in *United States v. Curtis-Wright* without legislating legal strait jackets.

All this means that for us the days are probably over for conscripting a large Army of expeditionary forces, the Nation in arms. This does not mean that we should not fight overseas; but that whatever armies we do send overseas, if ever, they will be small, compact units with high striking power, aimed at the enemy's vulnerable extremities, and made up of volunteers and professional soldiers, experts in the handling of airplanes, tanks, and the implements designed to cope with them, as well as chemical and other technical forms of warfare.

It means that a realistic foreign policy shall be enunciated by us and that for purposes of the national security, we must realize that we cannot afford any one nation, trans-Atlantic or trans-Pacific, to become so supremely powerful in its own region on both land and sea that it is subject to no effective restraint even if we were to throw our own power into the scales against it.

It means that we must have a Navy and air force second to none, qualitatively and quantitatively, and if ever the British Navy is overcome by any land-sea power, or if England ever adopts a policy that threatens our vital national interests, then we must have a two- or three-power Navy and air force. It means we should develop large stores of armaments and strategic raw materials and train a professional Army cadre and encourage our university students to take courses which will enable them to grasp quickly the intricacies of the modern implements of war.

It means we can, and should, be prepared morally and physically to collaborate economically and politically with the fewest sovereign powers, sufficient with us, to preponderate economically and politically on behalf of conditions favorable to our security and to our normal economic activity. It means forsaking our traditional prejudice for extreme isolation, so as to permit us to enter into military and naval collaboration with such sovereign nations as may be advisable, by reason of their preponderant communities of interest and effective military and naval power, in respect of any situation affecting our vital interests, that may arise from time to time.

It means that we must be prepared to give outright, not lend, support in credits and material to such associated powers in case of need, in return for such advantages as we can negotiate fairly.

It means that the way the English have fought in the past and made themselves the richest people of the world is the way that we should fight, if ever we have to consider that unpleasant necessity. If we only realize what we should do, and how we can do it, then really we can begin to "Fear God and take our own part," as Theodore Roosevelt urged, in peace and prosperity.

If we do not do these things, we are put upon the horns of a dilemma, whether to take long chances of being conquered and despoiled, or of entering upon an armament program that will bankrupt us with its own cost and the cost of the war that is certain to come from the armament race it will inaugurate.

WHY WE WENT TO WAR

A SUGGESTED LINE OF REASONING WHICH MADE US REGARD GERMANY AS THREATENING

TO THE NEW YORK HERALD TRIBUNE:

Admiral Phelps has shrewdly observed that if our objective in fighting Germany had really only been the submarine, it would not have been necessary for us to wage the unlimited warfare which we did when we sent an expeditionary force to France; we would only have needed to convoy our ships at sea. For general military objectives are required for general political objectives and vice versa. If our political objective was not a limited one, what was it, if not to stave off a victory which would have put Germany in position to play havoc with our vital national interests?

When we entered the war Germany was winning, and the fear existed that if she won she might seek to challenge our national interests even in this hemisphere and so involve us in a collision with her after she had demonstrated her ability to defeat all Europe.

So widespread had this impression been created, as early as 1915—when therefore the country turned pro-Ally, before submarine warfare, the loans or large munitions shipments—that the German Ambassador was directed to enter official denial to the State Department that his government “intended to seek expansion in South America.”

Significantly, our present Navy was only planned in 1916, when Germany was feared as a potential enemy, long before the unlimited submarine warfare began.

That considerations of this character were in President Wilson's mind is clear from his testimony before the Senate, elicited by Senator McCumber.

Question. Do you think that if Germany had committed no act of war or no act of injustice against our citizens we would have gotten into the war?—Answer. I think so.

Question. You think we would have gotten in anyway?—Answer. I do. Previously in an address to the Senate, Mr. Wilson had said as to Germany, “We can never have a friend there. * * * In the presence of its organized power always lying in wait to accomplish we know not what purpose, there can be no assured security.”

Though the United States was largely self-sufficient, its prosperity, standards of living, and economic activity required the importation of many raw materials and foodstuffs, such as manganese, rubber, coffee, and sugar, without which the national defense also would have been handicapped. With American population increasing rapidly and with the possibility of exhaustion of natural resources, such as petroleum, copper, sulphur, and wheat, the outlook was that the Nation would in time be more dependent upon foreign sources of raw products, many of which came from Allied colonies.

In order to pay for these imports, exports also were indispensable as well as the remittances from abroad—on account of capital and interests on American-held investments in Latin America and Canada.

The strategic interests of the country were to forestall attack by—

1. Invasion of the homeland.
2. Seizure or destruction of the Panama Canal, which would have made it possible to interrupt our intercoastal trade and cut the territory of the United States in two by military operation in the Caribbean and Gulf of Mexico through New Orleans and the Mississippi Valley, the plan of campaign tried by General Pakenham in the War of 1812 and successfully carried out by Grant in the War of Secession.

3. Violation of the Monroe Doctrine, the purpose of which was to keep aggressive European nations from positions in this hemisphere from which could be launched effective attacks upon the American mainland, the Panama Canal, or the sea lanes over which are borne our indispensable imports and exports.

4. Attrition by the cutting of the sea lanes; to be prevented by their remaining under our military control or that of foreign powers not likely to have the will, or be in position impudently, to interfere with our trade in peace or war.

To protect the interests represented by the Monroe Doctrine and the covering of our sea routes we needed a Navy capable of dealing with any power or coalition likely to challenge them. In 1915 we lacked such a Navy. For the Monroe Doctrine had been effective only by and with the consent of the British sea power.

Racially, Germany required that all people of Teutonic blood should be under her flag; economically, that the means of subsistence important to her population should be under the control of her military power; strategically, that she should have positions from which she could attack any nation she wished to crush or that might have been disposed to challenge the Reich, while depriving others of geographic predispositions to attack Germany or to resist an attack by Germany; politically she sought alliances with powers whose collaboration would be useful and could be required.

Therefore, it was believed that Germany sought the entire North Sea coast from Bremen to the Channel, including all of Holland and Belgium and parts of the French coast opposite the shore of England, at least to the line of the Somme. From that line Paris, the nerve center of France, was subject to paralysis by any swift blow, and England thereafter herself under the perpetual menace of starvation by having her most important ports blockaded by sea and bombarded by air. It removed the best English bridgehead to the Continent.

Then, with other acquisitions, such as Gibraltar, Germany could have imposed against us the continental system Napoleon tried against England to exhaust her. In that event we could have been cut off from 30 percent of our total imports, obtained from Europe, and 50 percent of our total exports, required to pay for our imported raw materials; or we could have carried on our trade only under such terms as the ruler of Europe might have dictated.

That Germany intended to strip Great Britain of her fleet and colonies was certain, and the question arose whether we could count on the same collaboration with the German fleet that we had enjoyed with the English. We had no reason to hope for it, since prolific Germany sought British and other Allied colonies as homes for millions of German colonists and from which she could get many raw materials that we ourselves required. Not only did we fear the taking of Canada, capable of supporting a population of 100,000,000 Germans; the strategic bases like Singapore and Suez, and other dominions as well; but we knew that before the war the Kaiser had suggested that if England abandoned her support of the Monroe Doctrine and permitted Germany to seize a large slice of Brazil, trouble with Britain could be averted.

Moreover, victorious Germany would have acquired many island bases pointed dagger-like at our Panama Canal and Latin-American national interests and investments. Finally, politically Germany sought the cooperation of central European countries for the "drang nach Osten," and was bending every effort to induce Japan to forsake the Allies, which endeavors were endorsed by the Kensai Kai political party in Japan.

The prospects, therefore, were that a victorious Germany allied with Japan, in possession of important strategic bases upon our trade routes and with strong footholds upon the American continent, would have been in position to impose the terms on which we lived and traded all over the world. And if that coalition had required us to let down our tariff bars to admit their manufactures or repeal our immigration laws against Japanese immigrants, we could only have submitted.

So we had a choice that England faced in August 1914, of fighting a preventive war with Germany at a time when we would be associated with other powers fighting her or of fighting her later alone when we had little or no chance of doing so successfully.

NEW YORK CITY, September 10, 1938.

HON. JAMES CLARK McREYNOLDS,

Associate Justice of the Supreme Court, Washington, D. C.

DEAR MR. JUSTICE: European tensions revive interest in the forces that brought this country into war in 1917. Sometime ago when the matter was under discussion the annexed letter in the New York Herald Tribune was written by me and a copy sent to Mr. Newton D. Baker. Mr. Baker wrote me at the time:

"The statement quoted from President Wilson in answer to Senator McCumber illustrates that the incident of submarine warfare had developed into a much wider question. I think, therefore, your own letter to the Herald Tribune on that subject is a fair statement. Germany's prewar aims, and particularly the aims developed in Germany after the beginning of the war, became more and more imperialistic and wide-reaching. We in the United States knew very little about them, and there was no general popular appreciation of the ultimate menace of German dominance. Undoubtedly some few people who knew the character of German militarism did foresee something of it. It therefore, seems to me that your statement, while accurate, is a rationalization of our motives based upon subsequently acquired knowledge."

Now that the matter is likely to be discussed anew, I am seeking further data on the facts.

I therefore take the liberty of writing you, as one of four surviving members of the Wilson Cabinet, to ask whether you have any independent recollections, or could direct me to any source material, that would bear upon the conclusion that we entered the war in 1917 for fear that Germany would "defeat the sea by the land" in Europe and with a supreme navy with which to reach us and a supreme army with which to strike us, be in position to impose her will on us.

Thanking you for your courtesy, I am,

Respectfully,

CHARLES A. WEIT.

(Associate Justice McReynolds' reply was as follows:)

SEPTEMBER, 1930.

I am sorry, my dear Mr. Weil, that I cannot help you in this matter. We entered the World War, I think, because Mr. Wilson rightly concluded that our interests were seriously menaced by Germany.

J. C. McR.

Mr. WEIL. You asked me, while I was presenting my case, a question, Senator—I hope I am not engaging too much of your time.

Senator WILEY. No.

Mr. WEIL. You asked regarding our entry into the World War. Sometime ago I wrote an article stating what I have just mentioned, and which I said I would come to, namely, that we went to war to protect our interests in the world balance of power. I sent a copy of that to one of the members of the Cabinet of President Wilson, Newton D. Baker. I have here his letter, which perhaps you would like to look over and decide whether you would like to have it inserted in the record. [Handing paper to Senator Wiley.]

Senator WILEY. That letter can be inserted in the record. The reporter can make a copy of it and insert it in the record and return the original to Mr. Weil.)

The letter referred to is as follows:

BAKER, HOSTETLER, SIDLO & PATTERSON,
Cleveland, January 7, 1937.

Mr. CHARLES A. WEIL,
New York City.

MY DEAR MR. WEIL: Your letter of January 4 reached me yesterday, and I read last night the clippings enclosed. It seems to me that the statement made by Admiral Phelps tells only a part of the story. The resumption of unrestricted submarine warfare undoubtedly was the occasion of our entrance into the World War. The statement quoted from President Wilson in answer to Senator McCumber illustrates that the incident of submarine warfare had developed into a much wider question. I think, therefore, your own letter to the Herald Tribune on that subject is a fair statement.

Germany's pre-war aims, and particularly the aims developed in Germany after the beginning of the war became more and more imperialistic and wide reaching. We in the United States knew very little about them, and there was no general popular appreciation of the ultimate menace of German dominance. Undoubtedly some few people who know the character of German militarists did foresee something of it. It therefore seems to me that your statement, while accurate, is a rationalization of our motives based upon subsequently acquired knowledge.

Cordially yours,

NEWTON D. BAKER.

Senator WILEY. Go ahead and give your philosophy now.

Mr. WEIL. In what respect.

Senator WILEY. You were going to start on something else, I understood, when I interrupted you.

Mr. WEIL. No, sir.

Senator WILEY. Then I will ask you this question: Whether you think that the United States, when a question of the international balance of power is involved, should step into the picture, especially if, in view of the Executive, that balance of power would be destroyed to our detriment?

Mr. WEIL. And the Congress—the Executive and Congress concurred?

Senator WILEY. Yes.

Mr. WEIL. Yes, sir; that is correct.

Senator WILEY. Well, this resolution (S. J. Res. 140) has in it the fundamental idea that, before the Government should get mixed up in any European matters, even involving the balance of power, the people themselves that pay the price should be heard in that respect. Would you not agree with that philosophy?

Mr. WEIL. First of all, I would like to make it perfectly plain that we have no particular interest in any purely European quarrel even if it changes slightly the equilibrium of Europe. But when the changes involved may well result in changing the world balance of power—not just strictly the European balance of power, but the world balance of power, I think there is a point at which we would have to be able to act fairly quickly, because if we can act quickly, we may even prevent the change in the world balance of power, by diplomatic pressure.

Senator WILEY. Well, I believe personally that the passage of any of these resolutions would not interfere with the right of the Government to act. It would interfere with the right to precipitate this country into war. I am trying to see that field clearly in my own mind, the field which I think the resolution contemplates covering, and which I think some men of good judgment feel there is some merit to. As I say, I am the judge here today; I am not deciding the matter until the hearings are finished.

Let me say that you have made some very clear statements. And I would like to get your background. Where do you live?

Mr. WEIL. In New York City.

Senator WILEY. What is your business?

Mr. WEIL. The leather business.

Senator WILEY. Were you born in America?

Mr. WEIL. Yes, sir.

Senator WILEY. What is your nationality background?

Mr. WEIL. My father was born in France and my mother in New York.

Senator WILEY. What was the extent of your service?

Mr. WEIL. Very slight. Just a few months. I had enlisted just a few months when the war ended. I did not wait to get my commission. I thought it was a "war to end wars," and therefore further military knowledge on my part was unnecessary. I am sorry to have been disillusioned.

Senator WILEY. One benefit of the disillusionment feature is that the "dogs of war" do not pay in any respect.

You made the statement that you are not in favor of this country getting mixed up in entangling alliances. This brief that you have submitted gives some elucidation on that point, together with your statement?

Mr. WEIL. Yes, sir.

May I draw the attention of the committee particularly to the statement, "English Interest in International Conditions."

Senator WILEY. Will you read that paragraph?

Mr. WEIL. In this article I tried to draw from the experience of England, and I said:

England has a policy with respect to foreign commitments that we would also do well to study. In fact, it can be said that it is the policy which George

Washington enjoined upon his own country in his farewell address. For Washington said:

"Tis our true policy to steer clear of permanent alliances with any portion of the foreign world. * * * Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

And I underscored this last sentence:

We may safely trust to temporary alliances for extraordinary emergencies.

Then in my article I went on to say:

The English have distinguished between the temporary and the permanent, and have never hesitated to build their defense policy on cooperation with other nations having interests similar to their own.

Senator WILEY. Yes. I remember that language of Washington. The thing that I think is troubling most people on this subject is this: That they are recognizing that the German and Italian nations are a growing people, and that those nations have not got their share of the world's goods that people seem to concede that a virile people are entitled to. And that means constant conflict between the "haves" and the "have-nots," unless mankind can find some way out.

Have you read Street's book?

Mr. WEIL. No, sir.

Senator WILEY. Well, read it. He suggests a way out.

Now, the millions of mothers of the boys that have to die in the next war (and the boys themselves) if we are in it—have they any right to be heard before they make their sacrifices? Should the people be allowed to vote on the issue of whether or not the Constitution should be amended? It seems to me that that is the issue.

You claim that, because war is such a barbaric thing and such an uncertain thing, we have got to be ready to strike without any delay, and that therefore Congress should have the sole power.

And following your argument to its lair, you might not get the benefit of that power in Congress, because Congress might take a month to decide the question in its debates.

But let us turn back to the King question. Now, I am just doing as you said awhile ago, thinking aloud, trying to find my way through this mental darkness that obscures the people. If the darkness were not there, we would find the answer.

Mr. WEIL. Well, I can only answer in this way: Why not, then, let them pass on matters of taxation?

Senator WILEY. My dear sir, they have done that in almost every State in the Union. They have referendums on bond issues, and they have referendums on nearly every important issue. That is a part of democracy now that is afloat in the world. I am not saying that I agree with it. I am a Republican in politics, from the so-called very liberal State of Wisconsin. I am not saying that is the way out. But I do recognize the tendency; but whether the culmination of that is going to be the answer is a different question. I know it will not. I know that until we correct the inner man we will not get the answer. It is like knowing that by sitting on a hose we could not stop the flow of the water. And there are certain currents that we can find best by finding that certain things are not effective. Whether we can pay the price I do not know.

And this thing does not reside in Congress. The mere fact that

a man is elected Senator does not make him a Solon. And sometimes among the inhabitants of the smallest hamlet, sometimes among the peggers of shoes and the hewers of water, you will find a philosopher who could give more light on the subject than we could. That is why it is very valuable to have men like you in the discussions of these subjects.

As to the resolution, S. J. Res. 140, which I have introduced, I have made two changes in regard to war. I have just added one more to the Jefferson formula, and I have taken away from the Ludlow proposal the real danger; that is, that the people could declare war. I do not give them that right. I say only in the case of a foreign war should they be heard on the subject.

Mr. WEIL. Well, may I say this? I think that my brief points out that S. J. Res. 140 presupposes necessarily that the balance of power cannot be changed by *attaque brusquee* or *blitzkrieg*, which means lightning war.

You see, if we are wrong in that, Senator, then we lose "the works," colloquially speaking. Personally, I do not believe in the effectiveness of the *blitzkrieg* today. I do not think that by tanks and airplanes war can be won overnight. But there are many military people that I have talked to on my recent trip to Europe who believe that it can.

Senator WILEY. I think that there is something in that philosophy, but I do not think for a moment that *blitzkrieg* or a lightning stroke would totally disable America, although there are many who think it could.

Mr. WEIL. I agree with you.

Senator WILEY. That reminds me that we have been set apart over here, and perhaps we have been set apart so that they could come to us over here, perhaps, so that we could become the light of the world. So that we would not have to decide in a hasty manner. And I think deliberation generally is the thing we want. And perhaps that is the answer; perhaps that is the one vital value of this resolution.

Mr. WEIL. I quite agree with you, Senator, that a *blitzkreig* cannot be brought to bear upon us immediately; but it might be upon those who, in the balance of power, might be favorable with us.

Senator WILEY. There you get into the real philosophy of the thing.

Mr. WEIL. No, sir; it is not philosophy but geography which determines the policy of nations, and geography changes but little.

Senator WILEY. I could not say that. I think the thought of the people determines the policy of a nation—the thoughts of the leaders. I think Germany shows that. It is shown by the steps she has taken in the regimentation of the people, and taking away the freedom of speech, freedom of the press, freedom of trial and worship; that shows that by those mechanics the people's thoughts have been changed.

Mr. WEIL. I have spent a great deal of time in Europe and I know a great many Germans and French and English. I know that the German himself has never changed. If you go back to Tacitus his early history many years ago, you will see that he has always been the same as he is today. He is warlike and social-minded.

Senator WILEY (interposing). You will not let your French ancestry influence your judgment, will you? [Laughter.]

Mr. WEIL. No, sir. I would like you to read, Mr. Chairman, what Admiral Mahan said about the matter.

Senator WILEY. Well, Admiral Mahan was a French Irishman.

I must go into the Senate now. I am sorry we could not hear you longer.

STATEMENT OF HON. CORDELL HULL, SECRETARY OF STATE

(The following letter from the Secretary of State was ordered incorporated in the record:)

MAY 16, 1939.

MY DEAR SENATOR HATCH: I refer to your letter of May 5, 1939, regarding S. J. Res. 84 proposing an amendment to the Constitution of the United States for a referendum on war.

When a similar proposal was receiving consideration in December in 1937, I stated to the press that "from the standpoint of promoting peace and keeping this country out of war, I am unable to see either the wisdom or practicability of this proposal." Further reflection on the subject has confirmed me in the view I expressed at that time.

The statesmen who founded this Government were acutely aware of the paramount importance of keeping our Nation out of war. They concluded that this purpose would best be accomplished by vesting in the representatives of the people the power to declare war.

In my opinion, the experience of a century and a half has proved the wisdom of the statesmen who established our representative form of government.

The preservation of peace is the cornerstone of the foreign policy of the United States. I am convinced that the present constitutional provision, under which the power to declare war rests with the Congress, is far more satisfactory from the standpoint of keeping the Nation out of war than would be the plan contemplated in the proposed amendment. It is my belief that this plan would seriously impair the ability of the Government to safeguard the peace of our people.

Referring to your suggestion that I might desire to appear before the subcommittee of the Senate Judiciary Committee during hearings on S. J. Res. 84, that course seems unnecessary as my attitude toward the proposition under consideration is set forth in this letter. However, you may be sure that I appreciate your courtesy in offering me an opportunity to appear during the hearings.

Sincerely yours,

CORDELL HULL.

(The following statement of the War Department was ordered incorporated in the record:)

WAR DEPARTMENT,
Washington, June 9, 1939.

HON. CARL A. HATCH,

Chairman, Subcommittee of the Committee on the Judiciary,
United States Senate.

DEAR SENATOR HATCH: Further reference is made to your letter of May 5, 1939, concerning Senate Joint Resolution 84, proposing an amendment to the Constitution providing for a referendum on war. Reference is also made to my letter of recent date, which stated that a written statement of my views on the subjection legislation would be submitted.

Careful consideration and study of Senate Joint Resolution 84 convinced me that the adoption of a constitutional amendment as set forth in that resolution would materially hamper and restrict the War Department in carrying out its primary mission of defending the United States and its possessions, and might in some cases even jeopardize the successful accomplishment of that mission and thus result in a national disaster. Accordingly, the War Department is opposed to the enactment of Senate Joint Resolution 84.

This proposed legislation, with report thereon, was submitted to the Bureau of the Budget, which reports that there would be no objection to the submission of this unfavorable report to the committee.

Sincerely yours,

HARRY H. WOODBING,
Secretary of War.

STATEMENT OF NATIONAL LEAGUE OF WOMEN VOTERS, WASHINGTON, D. C.

(The following statement of the National League of Women Voters, Washington, D. C., was ordered incorporated in the record:)

Opposition to a war-referendum legislation was voted by the Council of the National League of Women Voters, meeting in Washington April 25-27, 1939. Since 1923 the league has been concerned with study of the causes of war and possible cures. Members of the league have concentrated in the last few years on the study of the conduct of foreign policy by the United States, the respective responsibilities of the Executive and the Congress in the conduct of foreign affairs, and of possible legislative safeguards against involvement in war. The action of the council, a representative body of the league, is an accurate statement of the sentiment of the membership of the organization and a logical development from the total experience of the league, not only in the study of foreign policy but in its activity in the whole field of government.

Disagreement between those groups advocating delegation to the people of the decision on a declaration of war and those who oppose such a move comes on method for achieving an objective, not on the objective. There are always efforts to solve difficult problems by an easy formula, when they can only be permanently solved by continuous, earnest, and tolerant effort. To members of the League of Women Voters the proposal to delegate to the people the final decision on a foreign war comes into this category of too easy formulas for difficult problems.

In the day-by-day, year-by-year conduct of the relations between the United States and other countries is found the only adequate safeguard of this country. War situations do not develop overnight; they brew over a long period of time. It is probably inevitable that the Executive and the Congress will occasionally err in making these daily decisions. The tariff policy of the United States after the World War; racial discrimination in immigration laws; refusal to assume international responsibility commensurate with the inescapable influence of the United States on world affairs have been contributing factors to the present war situation. The existence of a war referendum would not have affected these decisions. Neither would anyone admit or believe that these decisions were meant as war-provoking ones. Yet proponents of the war referendum proposal argue that the existence of such a measure would deter the Government from pursuing a policy leading toward war, assuming that it is always possible to know without question whether a policy is war-provoking or in the direction of peace. Until the people of this country are willing and prepared to take into account effects of national actions on the international situation, to subordinate their special immediate interests to the long-term public interest, this Nation will continue to contribute to international situations that may lead to war. When war exists in the world, keeping this country out will not be accomplished by a mere repetition of "We want to stay out of war" or reliance on a vote of the people, but on the day-to-day conduct of foreign policy.

It has been pointed out in the hearings on this proposal that it does not take away from the power of Congress but simply shares this power with the people. Shared responsibility frequently leads to failure on the part of one or both of the groups concerned to make decisions with sufficient seriousness. Dictatorships have developed through the failure of legislative bodies to meet situations that confronted them. Detracting from the responsibility of the legislative body weakens it; it is a disservice to representative democracy.

Proponents of the war referendum claim that it would be more difficult to stampede the whole citizenry into a war than it would be to stampede Congress. This argument is based on the assumption that the elected repre-

sentatives of the people are indifferent to the welfare of the country and tends to undermine the confidence of the people in their Government at a time when fear and hysteria are especially dangerous. History fails to show that such distrust is warranted. Proponents argue that the necessity for referring the final decision to the people would act as a check on the conduct of foreign policy. Opponents argue that it would encourage aggressor nations, thus making more certain the eventual outbreak and spread of war which would jeopardize the security of this country.

In conclusion, the war-referendum proposal offers no sure and certain safeguard against the involvement of this country in a foreign war. There is grave danger that through the lessening of the responsibility of the legislative body and through the false sense of safety that a war-referendum measure might give to large groups of people the chances for involvement in a foreign war would actually be increased.

STATEMENT OF DR. HARRY D. GIDEONSE, PROFESSOR OF ECONOMICS, COLUMBIA UNIVERSITY, CHAIRMAN OF THE ECONOMICS AND SOCIOLOGY DEPARTMENT AT BARNARD COLLEGE

Mr. GIDEONSE. The proposal for a war referendum has taken many forms, and my observations will be addressed to the idea in general. It is proposed to amend the Federal Constitution and to take away from Congress the power to declare war which it has had during the past century and a half, and to confer that right upon the people themselves.

Fortunately, we do not have to discuss this idea in the usual atmosphere of partisanship. When the proposal came up in Congress last time, former Governor Landon and Colonel Knox supported Mr. Roosevelt and Mr. Hull in flat opposition to the idea, and the Secretary of State under President Hoover, Mr. Henry Stimson, joined them in support of President Roosevelt's opposition to the proposal.

The idea of a war referendum is based upon the practice of the good old days when wars were officially declared. Nowadays wars are not declared. They are only fought. It is rather unlikely that the world will return to the pretty old custom of yesterday just because we choose to amend our Constitution. Czechoslovakia certainly did not have the time to manage a referendum. In general, it takes two to keep the peace—and it takes only one to make a war.

The general idea behind the proposal is that it is only democratic to have the people settle this question by themselves. After all, the argument runs, the people elect dog catchers, why shouldn't they decide upon a question of life and death? But it certainly should be clear that, while the people do elect dog catchers in some of our communities, they would not be very wise to have a referendum every time a mad dog was loose on the question of whether the dog catcher should catch this one. If such a policy were adopted, half the community would have rabies before the vote was counted. It is wiser in such a case to leave the individual decision as to which dog to catch to the judgment of the dog catcher, who would be well advised to act before the dog made his first bite and not after.

The same thing holds for the officials we elect to handle our foreign affairs. If their powers are to be vitally limited in the final, and possibly violent, stages, it is extremely unlikely that their job will be well done in the early, and possible preventive, stages.

At present, we rely on three lines of defense: The first is our diplomatic defense—the State Department and the Foreign Service. The second is the Navy. The third is the Army.

If we adopted the proposal for a war referendum, we would cripple the first and the second of these defense lines. Warnings of our Presidents have been a powerful defense in the past. President Monroe's warning against European designs upon this hemisphere set a classic example. It did not even have a resolution of Congress behind it. French imperialist adventures in Mexico were stopped by a Presidential warning in 1866. The Panama Canal has frequently been defended by such purely diplomatic measures. The very name of Venezuela suggests Cleveland's warning against Great Britain in 1895 and Theodore Roosevelt's later action against Germany. Throughout the 150 years our diplomatic defense lines have preserved us against encroachment in its early stages. Behind the diplomatic defense warnings was inevitably the implication of force—if the warnings were disregarded our military force might back them up. All of this would now be upset. The diplomatic arm of the President would practically be crippled, for the aggressor would know that only actual invasion would provoke armed resistance, and that any use of force in cases in which actual invasion had not taken place, would be subject to a referendum. Encroachment in its early stages—where it would be easy to resist if the President had a free hand—would now be difficult to resist. Later foreign aggression—following the non-violent encroachment—would be harder to resist because the enemy would be more deeply entrenched. It is perhaps not necessary to add that encroachment of a not immediately violent type has been developed into a science in recent premilitary stages of international conflict.

The same thing holds for the Navy. Its chief purpose has been to keep the enemy at a safe distance from our shore. Under the war referendum no action could be taken against a foreign navy until actual aggression or invasion took place. In that case it might be able to strike a sudden blow at some of the most populous cities on our coast line by sea and air power. Incidentally, one of the results of that possibility would probably be huge increases in the Army and coast defense with careful provisions for swift mobilization along European lines, if the referendum were adopted. I need hardly add that the groups that support the proposal did not intend such a result. In fact, some of them talk about disarmament as a result of our adoption of this policy. Like our so-called neutrality legislation, this proposal isn't all that it's cracked up to be.

The fundamental thought behind the agitation for the war referendum is that Congress and the President cannot be trusted. It is argued that the President may be selfish, and that Congress may be light-headed, but that the people will remain cool and sober, and, it is, of course, clever to flatter the people. In other words, it is believed that the President and Congress can somehow be bamboozled by foreign propaganda, but that the people will preserve their independence in the radio propaganda war preparing for the referendum. There is nothing in our history to prove this—in fact, the reverse is more frequently true.

Fundamentally, the advocates of the war referendum assume that the people in a normal peace atmosphere are incapable of electing representatives in Congress or in the White House who can be depended upon to represent them in an emergency, while it is at the same time assumed that the people themselves in the midst of the panic

and the emergency will analyze the detailed and technical reports, and interpret conflicting war propaganda in a more sober and detached spirit than their representatives in Washington. To state these assumptions is to reveal their weakness.

In the present situation in world politics, the adoption—and even the discussion—of the war referendum proposal encourages aggression. No one studying even the headlines today can doubt that uncertainty as to American action is a major handicap to Germany, Italy, and Japan. When we tied our neutrality policy down to rigid rules, we favored the aggressors as is very clear from the story of the Spanish Republic. The result—which supporters of the legislation did not intend—is that Spain now has a government that will help flood Latin America with Fascist propaganda which will have inevitable repercussions upon American interests, and ultimately upon American policy.

If we tie our hands in foreign policy by adoption of this referendum policy, we will encourage future aggressors to believe that they can get away with it before we take a vote. Perhaps I might add that the supreme tragedy of this agitation probably lies in the fact that while it will encourage aggression, it will probably not stop us from getting into war because there is nothing in the referendum proposal that deals with the causes of modern war, that curbs the operation of the sense of justice of the American people in the face of the fruits of aggression, or that provides alternative methods for the settlement of international disputes. Wars cannot be stopped by wishful thinking—or by wishful legislation. Individual nations like the American one, cannot “keep out of war” by prayerful repetition of the statement that they “do not want war,” any more than individual persons can keep themselves free of typhoid if the community in which they live has an infected milk or water supply. In the case of typhoid, only a community effort at prevention of disease will ultimately protect individuals. In the case of war, only a common effort to eradicate the causes of international disputes and a common will to carry the cost and the risk of alternative methods of settlement of disputes will reduce the risk of war to all individual nations. In a more narrow perspective, it might also be considered that there is nothing in the referendum proposal to limit the President's constitutional power to get us into war through the conduct of foreign policy—and its conduct in his privilege and duty—and through his powers as Commander in chief of our armed forces. In other words, the only result of the adoption of the proposal is likely to be encouraged optimism on the part of aggressors who plan war—and ultimately no security whatsoever that war will not come anyway. Practically—if I may risk a prophesy—it would probably mean a referendum after the event in which we would be allowed to approve the things that had already happened, more or less in Hitler's style after he had begun to digest another of his small neighbors.

We live under representative government. It is silly to call this proposal democratic, and its opponents undemocratic. Any policy which we discuss democratically, and settle democratically after the discussion, is democratic. It is just as democratic to elect dog catch-

ers as to appoint them—if the process by which we decide to do it either way is a democratic one.

The assumption that the people as a whole are better equipped than their elected representatives—either in information, in intelligence, or in emotional resistance to propaganda—is belied by our experience under the Constitution. If the representatives to whom we delegate these powers do not suit us, we should choose others. But to tie their hands behind their backs in a time of secret diplomacy, broken treaties, and swift modern technology, would be almost criminally negligent of the facts of the modern war problem.

We are still trying to run away from those unpleasant facts by supporting neutrality legislation that is not neutral, and a keep-us-out-of-war referendum that doesn't keep us out of war. This is a world in which force is in the saddle. There are no safe policies, and it is childish to run away from harsh reality by passing another law. It would be more manly, and more clearly designed to deal with the nature of the present threat to our peace, to try to limit war and its risk to America by the full participation of the United States in such efforts as may still hold out promise to prevent war.

(It was ordered that the following letter from Mr. Norman Thomas be incorporated in the record:)

206 EAST 18TH STREET,
New York City, May 29, 1939.

Senator CARL A. HATCH,
United States Senate, Washington, D. C.

MY DEAR SENATOR HATCH: I am informed that a Mr. Monsman from Baltimore appeared at the hearing of your subcommittee on the matter of referendum before war and that he represented himself as in some manner a spokesman for the Keep America Out of War Congress.

As a member of the governing committee of the latter organization, I can state authoritatively that he was not authorized to appear for the national organization. I do not know whether any local branch authorized his appearance. Indeed, Mr. Monsman, I think was informed that if he wanted to appear at any sort of hearing he must apply to the governing committee for credentials.

I write this with no desire whatever to impeach whatever testimony Mr. Monsman may have given, but simply to explain the fact that the Keep America Out of War Congress did not, as such, authorize anyone to appear before your committee. It would have authorized others than Mr. Monsman had time permitted.

Sincerely yours,

NORMAN THOMAS.

(Whereupon, at 12:20 p. m., the subcommittee adjourned, subject to the call of the chairman.)